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LIBRARY OF CONGRESS

REPORT OF THE
LIBRARIAN OF CONGRESS

AND

REPORT OF THE
SUPERINTENDENT OF THE LIBRARY
BUILDING AND GROUNDS

FOR THE FISCAL YEAR
ENDING JUNE 30

1912



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WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

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FORM OF GIFT OR BEQUEST TO THE LIBRARY OF CONGRESS

"TO THE UNITED STATES OF AMERICA, TO BE PLACED IN THE
LIBRARY OF CONGRESS AND ADMINISTERED THEREIN BY THE
AUTHORITIES THEREOF."

LIST OF OFFICERS

LIBRARIANS SINCE THE INCEPTION OF THE LIBRARY

- 1802-1807—John Beckley, Clerk of the House of Representatives and Librarian
1807-1815—Patrick Magruder, Clerk of the House of Representatives and Librarian
1815-1829—George Watterston
1829-1861—John Silva Meehan
1861-1864—John G. Stephenson
1864-1897 (*June 30*)—Ainsworth Rand Spofford
1897 (*July 1*)—January 17, 1899—John Russell Young
1899 (*April 5*)—Herbert Putnam

LIBRARY STAFF

GENERAL ADMINISTRATION

- HERBERT PUTNAM—Librarian of Congress
APPLETON PRENTISS CLARK GRIFFIN—Chief Assistant Librarian
Allen Richards Boyd—Chief Clerk
Jessica Louise Farnum—Secretary

DIVISIONS

- Reading Room*—William Warner Bishop, Superintendent; Hugh Alexander Morrison, John Graham Morrison, chief assistants
Division of Bibliography—Hermann Henry Bernard Meyer, Chief
Catalogue Division—Charles Martel, Chief; Clarence W. Perley, chief classifier
Division of Documents—Henry John Harris, Chief
Division of Manuscripts—Gaillard Hunt, Chief
Division of Maps and Charts—Philip Lee Phillips, Chief
Division of Music—Oscar George Theodore Sonneck, Chief
Order Division—Frederick William Ashley, Chief
Division of Periodicals—William Adams Slade, Chief
Division of Prints—Arthur Jeffrey Parsons, Chief
Smithsonian Deposit—Paul Brockett, Custodian (office at Smithsonian Institution), Francis Henry Parsons, assistant in charge
Law Library—Edwin Montefiore Borchard, Law Librarian

COPYRIGHT OFFICE

- THORVALD SOLBERG, Register of Copyrights
ERNEST BRUNCKEN, Assistant Register of Copyrights

LIBRARY BRANCH, GOVERNMENT PRINTING OFFICE

Printing—William Henry Fisher, foreman*Binding*—Henry P. Espey, foreman

LIBRARY BUILDING AND GROUNDS

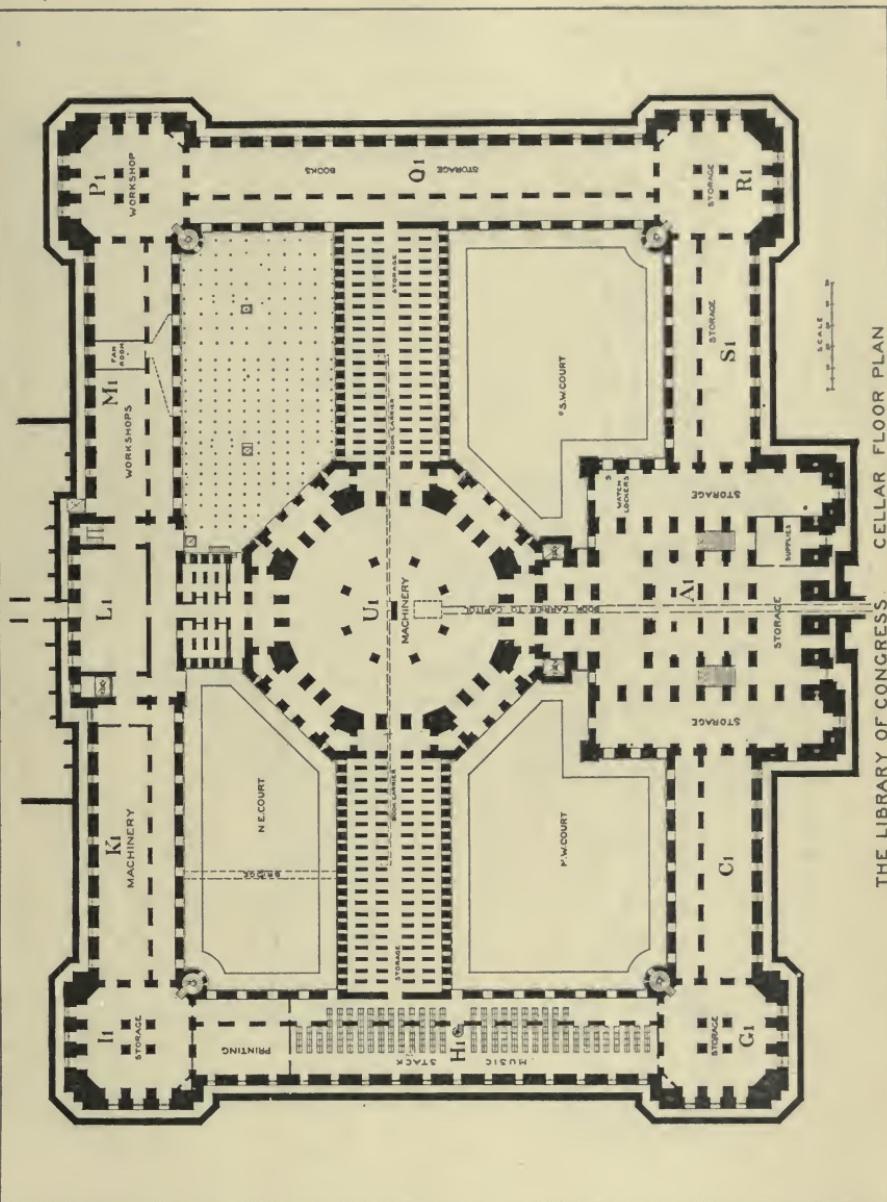
BERNARD RICHARDSON GREEN—Superintendent

Wade H. Rabbitt, Chief Clerk

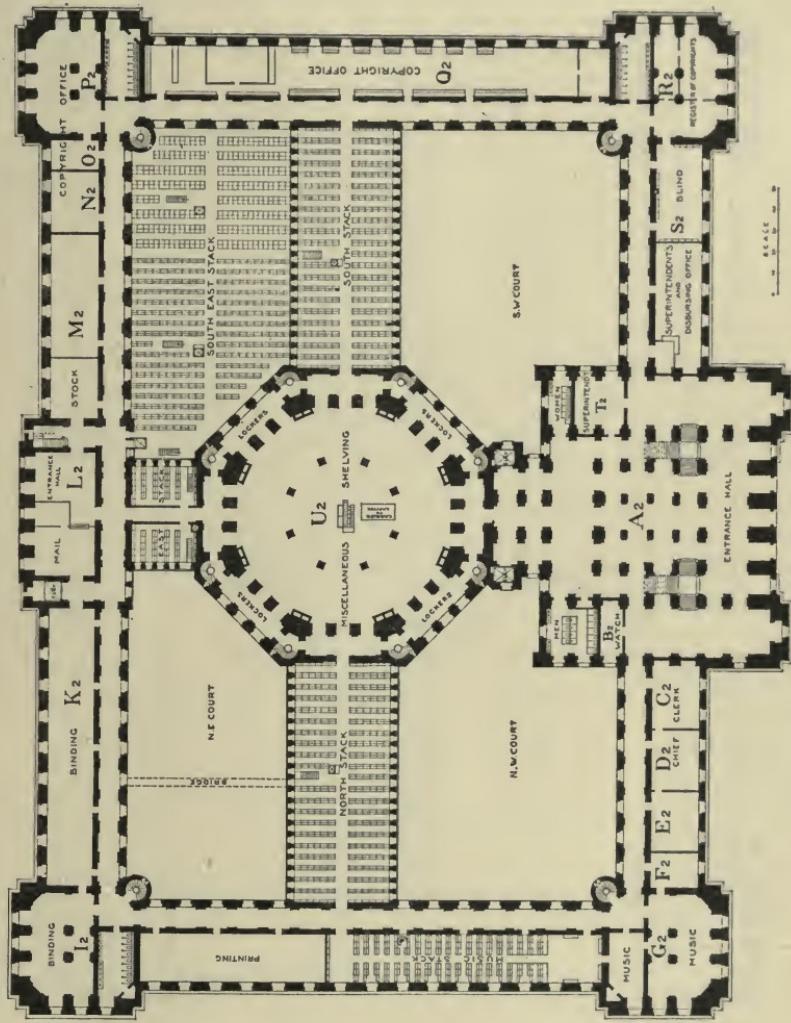
Charles Benjamin Titlow, Chief Engineer

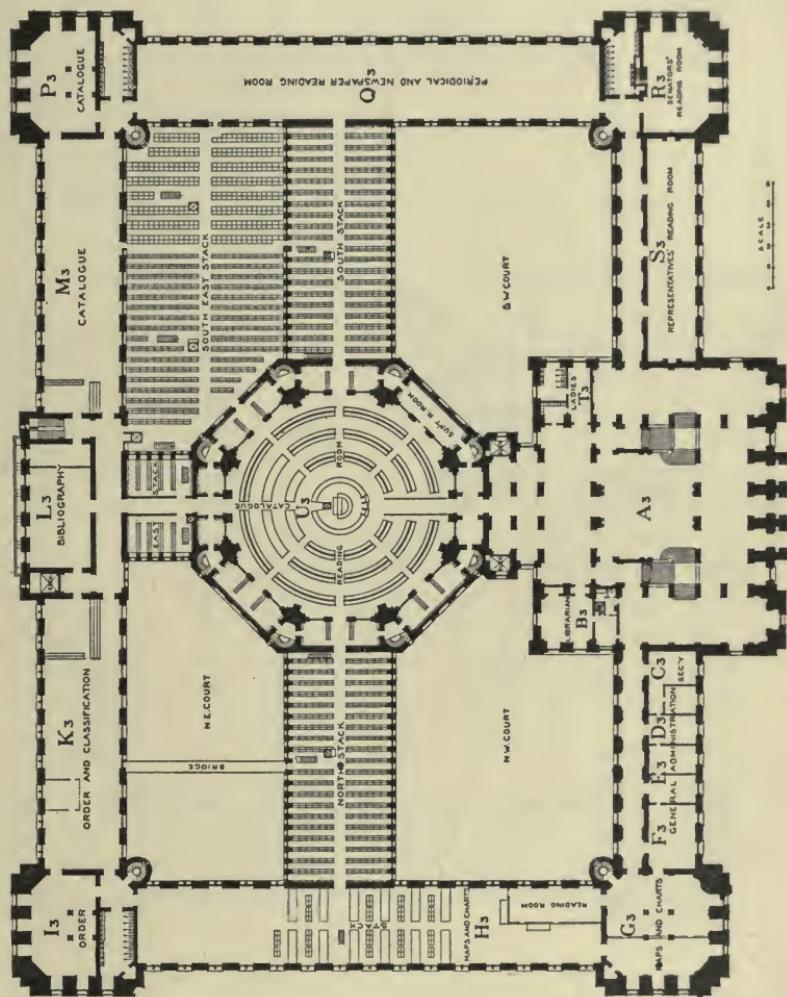
Damon Warren Harding, Electrician

John Vanderbilt Würdemann, Captain of the watch

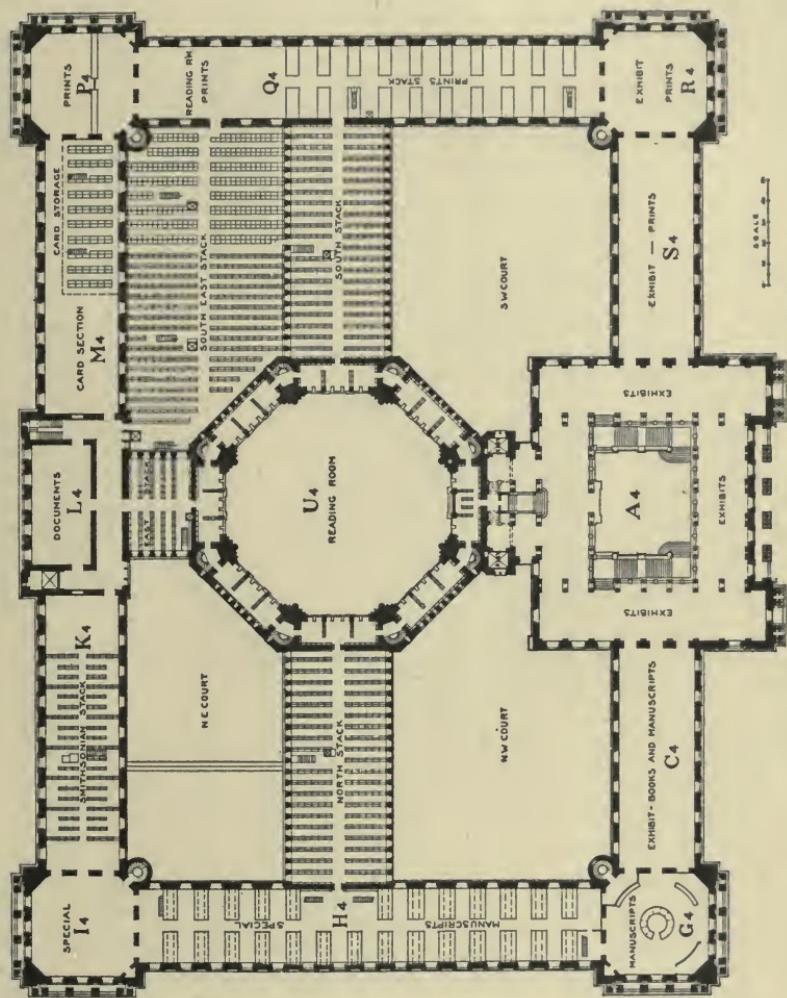


THE LIBRARY OF CONGRESS. CELLAR FLOOR PLAN

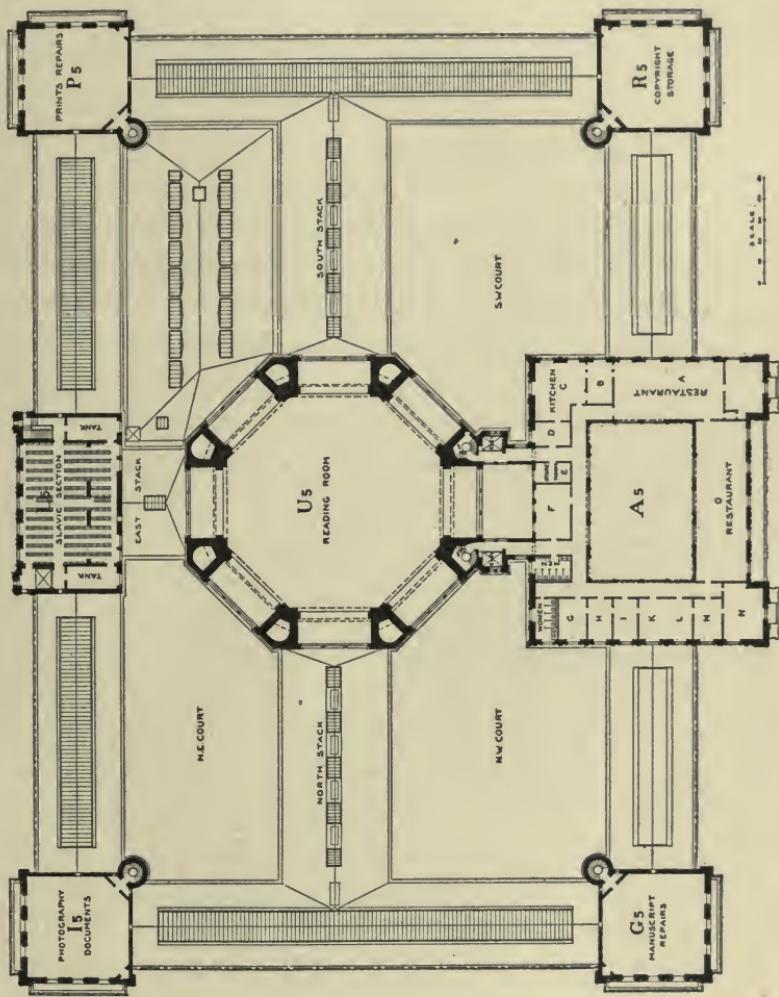




THE LIBRARY OF CONGRESS FIRST FLOOR PLAN



THE LIBRARY OF CONGRESS SECOND FLOOR PLAN



THE LIBRARY OF CONGRESS. ATTIC PLAN.

REPORT
OF
THE LIBRARIAN OF CONGRESS

LIBRARY OF CONGRESS
Washington, D. C., December 2, 1912

SIR: I have the honor to submit herewith my report as Librarian of Congress for the year ending June 30, 1912. The report of the Superintendent of the Library Building and Grounds (and Disbursing Officer) follows, beginning at page 111.

In the augmentation of our collections the most notable event of the year has been the foundation of a department ^{GIFT:} *Deinard collection* of Judaica, through the gift, by Mr. Jacob H. Schiff, of the Deinard collection. A particular analysis of this appears below, under "Increase of the Library." It deserves, however, earliest mention in these preliminary remarks, not merely because of the intrinsic significance of the material itself, but because of the source and manner of the gift itself, and the views of the donor accompanying it. Such a collection ensures to the Library a fundamental beginning, in a field in which it had as yet done practically nothing. We may justly expect that its presence here will invite additions which will not merely reinforce it in Jewish literature, but expand it into a significant department embracing all Semitica. And as such a department can be fully utilized only if vitalized by the interpretations of a scholar, we even hope for an endowment which will ensure to its conduct expert scholarship, beyond the routine service which is all that our organization can normally provide.

The year has not been vacant of other gifts also of interest in their respective fields: Among printed books,

the library formed by Dr. Henry Carrington Bolton—a unique collection in the literature of chemistry, alchemy, and the related topics of which Dr. Bolton was the foremost bibliographer; and the Napoleonic library, formed by the late Maj. Karow, both more particularly described below. And the report of the Manuscripts Division, as usual, contains descriptions of numerous gifts of manuscript material, which add notably to our available original sources for the investigator in American history. The gift of a copy of his "Santa Melania giuniore senatrice romana" from his Eminence Cardinal Rampolla del Tindaro, and the gracious ceremony of its presentation at the hands of the Apostolic Delegate, Archbishop Bonzano, require special acknowledgment here.

The gifts of prints have included a collection of the prints issued by the Imperial Press at Vienna. In making it, the Austro-Hungarian Government has added one more to the collections of such material for which the Library has been indebted to friendly foreign powers; the collections previously received having been from France, Germany, Italy, and Japan, in that sequence.

Hubbard bequest In my Report for 1909 I referred to the bequest of Mrs. Gardiner Greene Hubbard of a sum of \$20,000, the income to be applied to the purchase of engravings and etchings to be added to the Gardiner Greene Hubbard collection. At the last session of Congress an act was passed providing for the transfer of the principal to the Treasury of the United States, and on the 1st of October, 1912, the transfer was effected.

The terms of the act were as follows:

[PUBLIC—No. 276.]

[H. R. 9833.]

AN ACT To accept and fund the bequest of Gertrude M. Hubbard.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That the conditions of the bequest to the United States

of America contained in the will of the late Gertrude M. Hubbard, and which are set out in the following language, to wit:

"For the purpose of adding to the Gardiner Greene Hubbard collection of engravings heretofore given by me to the United States of America, and now in the Library of Congress, I give and bequeath to the trustee hereinafter named, the American Security and Trust Company, its successors and assigns, the sum of twenty thousand dollars, to be set apart out of my real estate, stocks, bonds, or other securities, and to be invested and held by it upon the following trust, namely: To pay over during each year the net income therefrom to the Librarian of Congress, said income so paid over as above to be used exclusively for the purchase of engravings and etchings to be added to said 'Gardiner Greene Hubbard collection.'

"If any lawful or binding arrangement or contract can be made whereby the United States of America will be bound to pay interest on said investment at an annual rate of not less than four per centum, to be perpetually used for additions to said collection, I then further direct that my said trustee, the American Security and Trust Company, shall thereupon turn over and deliver the entire principal¹ of said fund to the Treasurer of the United States upon that condition and for that purpose."

be, and the same are hereby, agreed to and the bequest accepted.

SEC. 2. That the Treasurer of the United States be, and is hereby, authorized to receive from the American Security and Trust Company the principal of the above bequest, together with the interest, if any, accrued thereon, and to receipt for the same in the name of the United States of America, as accepted under the conditions and for the purpose defined in the said will, and, on behalf of the United States, to release said trust company from any liability in connection with said fund. And, further, the Librarian of Congress is authorized to join in said release, and thereby release said trust company from all future liability to the Librarian of Congress.

SEC. 3. That in compliance with said conditions the principal of the sum so received and paid into the Treasury of the United States shall be credited on the books of the Treasury Department as a perpetual trust fund; and the sum of eight hundred dollars, being equivalent to four per centum on the principal of said trust fund, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, and such appropriation shall be deemed a permanent annual appropriation and shall be expended in the manner and for the purposes herein authorized and as provided in the said bequest.

Approved, August 20, 1912.

The accessions by gift to the Music Division [see the Report *infra*] have indicated an increasing disposition on the part of composers or their representatives to place here for permanent record the original manuscripts of their scores.

The purchases have included but one of an important collection acquired *en bloc*—and this (the Hoes) is noted, although the transaction was not completed until after the close of the fiscal year. Individual items purchased have, however, included many of significance to our service as a research library, and certain of these (though of necessity merely a selected few) are listed below.

The literature of art and architecture had until lately received the less attention partly to await classification and cataloguing of the material on hand. But in the spring of 1912 a favorable opportunity to develop it in a systematic way came through the expert counsel of Prof. Richard A. Rice, then released from his post at Williams College, where for thirty years he had held the chair of the History of Art and Civilization. A preliminary survey of our existing collection, an examination of titles accumulated by Mr. Parsons, the Chief of our Division of Prints, a review of many notes and catalogues accumulated by himself, an inspection and comparison of others acquired for the purpose—have

enabled him, with his long experience and trained judgment, to recommend extensive lists in each branch of the literature of art and architecture, which, being promptly placed, will, he thinks, assure us a collection in this field without a superior in the United States. He is continuing this service with us in this special advisory relation, for which he is fortunately free.

In other branches of literature the development has been normal, with somewhat special emphasis (1) upon the fundamental source material in history—convenienced by Dr. Richardson's "Checklist of Collections relating to European History," and (2) upon the literature of contemporary foreign law, greatly aided by expert counsel from abroad, of whose generosity the Law Librarian (*infra*) makes cordial and itemized acknowledgment. The first fruit of this latter undertaking (the Guide to the Legal Literature of Germany, edited by him and issued by the Library), has been welcomed by practitioners as well as academic investigators, not merely as the first contribution of its kind, but as intrinsically useful. A group of such guides, to cover other countries whose legal relations with ours are continuous, should indeed constitute a valuable service and a highly practical one.

The collection of official documents (a primary obligation of this Library) is steadily improving through systematic effort, aided by the Department of State, and sympathetically responded to by foreign governments. As regards the publications of the various States within our own country, the influence of our "Monthly List of State Publications" has, as expected, been marked, the report of the division showing an increase in the receipts from 1908-9 (3,554 volumes) to 1911-12 (9,318 volumes) of over 5,000 volumes yearly.

The total gain by private gift (23,591 volumes) exceeded that by purchase (18,099 volumes). If we add to that the gifts of Governments (State, 9,318 volumes; local, 2,366

volumes; foreign, 11,332 volumes), excluding our own, and by copyright (14,512 volumes newly deposited), there appears a total of over 61,000 printed books and pamphlets added to the Library during the year without expense, save of service.

The aggregate accessions (printed books and pamphlets) of the year numbered 120,664; and the total in our possession at the close of it 2,012,393. In its printed books and pamphlets the Library has therefore now passed the two million mark; and in the grand total (including manuscripts, maps, music, and prints) the three million mark.

SERVICE

In the regular staff of the Library the changes in personnel, though numerous in the minor positions, have affected but few of the higher. The departure of Mr. Hanson from the charge of the Catalogue Division, and the inability, at the time, of his natural successor, Mr. Martel, to abandon the classification, in order to take his place, induced an experiment which continued until October 1, 1912, viz, the assignment of Mr. Hastings to the supervision of this division as well as of the Card Section. The year having advanced the classification to the point where Mr. Martel can relinquish the details connected with it and need give only advisory attention to the remaining groups, whose general structure is already determined, he has now (since Oct. 1) been assigned to the position of Chief Cataloguer, Mr. Perley taking his place as Chief Classifier, and Mr. William A. Slade the latter's place as Chief of the Division of Periodicals. This last designation resumes to the Library the service of a competent employee, whose intermediate experience (since he left our Bibliographic Division in 1909), as Librarian of the Monetary Commission, will prove valuable even beyond the division of which he will have charge.

Illnesses which in a staff of this size, engaged in indoor work so exacting, always tend to reduce its net efficiency,

have during the past year been especially numerous and serious, have involved the lengthy absence of many high-grade employees, and have recently caused the final loss to the service of one who outranked all in the length of his employment. This was John F. N. Wilkinson, an assistant in the Law Library. He was appointed in 1857; he died on October 5, 1912. He thus, in his 81st year, had rounded no less than 55 years of service, which included the entire term of three Librarians (Stevenson, Spofford, and Young) and part of the term of two others.

His first duties were minor—the dusting of the law books and physical care of the library room; but utilizing the opportunity to acquire a familiarity with the titles and location and even of the subjects represented, he was rapidly advanced until he reached the place and salary of a higher assistant, and held this post in the Law Library until his death. To an exact memory of the books, he added an exact memory of persons, and his prompt, simple, and respectful service made so favorable an impression upon Members of Congress, the bar, and the Justices of the Supreme Court (under whose especial supervision the Law Library is by statute placed) that he was at one time even urged for the Law Librarianship itself; a high tribute to the industry, the perseverance, and the concentration with which he sought to make good the lack of academic education inevitable at that period for one of his race (for he was colored). To these qualities, sustained by devotion and fidelity and by a robust constitution (until the past year he had been absent but a single day through illness), he owed his long association with the Library, and his usefulness in it even at an age which necessarily precluded the acquisition of new methods or more varied duties. And to the last he remained a figure of simple dignity, impressive not merely from age, but from other qualities as well. "The last" of his service, was in fact the last of his career, for he was at his post, and performing his duties even on the day of his death.

FINANCE

The table given below exhibits the appropriations and expenditures of the Library proper and of the Copyright Office for the fiscal year, and the appropriations for the preceding fiscal year and the year now current. Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent. The allotment for printing and binding (during the past year \$202,000) is not included.

Object of appropriations	Appropriations, 1911	Appropriations, 1912	Expenditures, 1912	Appropriations, 1913
Library and Copyright Office:				
Salaries—				
General service.....	\$245,080.00	\$246,420.00	\$246,233.68	\$249,180.00
Special service.....	a 2,450.68	a 2,494.83	2,418.98	a 2,075.85
Sunday service.....	10,000.00	10,000.00	9,988.00	10,000.00
Distribution of card indexes..	b 19,618.26	b 22,455.18	b 22,423.33	24,500.00
Index to the Statutes at Large	5,000.00	.....	.....	.....
Carrier service.....	960.00	960.00	960.00	960.00
Copyright Office.....	92,900.00	95,180.00	c 95,058.55	96,980.00
Increase of Library.....	d 108,000.00	d 98,000.00	e 98,000.00	d 98,000.00
Contingent expenses.....	7,300.00	6,800.00	6,721.89	6,800.00
Moving library of National Monetary Commission.....	.....	.....	.....	500.00
Total Library and Copyright Office.....	491,308.94	482,310.01	481,804.43	488,995.85
Building and grounds:				
Care and maintenance.....	76,905.00	71,705.00	71,558.95	72,185.00
Fuel, light, and miscellaneous ..	32,500.00	18,000.00	17,897.64	14,000.00
Furniture and shelving.....	25,000.00	20,000.00	19,953.95	10,000.00
Sunday opening.....	2,800.00	2,800.00	2,771.25	2,800.00
Book stack, southeast court of building.....	a 38,589.43	a 8,682.97	4,800.00	a 3,882.97
Grand total.....	667,103.37	603,497.98	598,786.22	591,863.82

a Includes balance from preceding year.

b Appropriation 1911 includes credits \$818.26 on account of sales to government institutions. Appropriation 1912 includes \$655.18 credits on account of sales to government institutions. Does not include \$62.59 yet to be credited. Expenditures 1912 (\$22,423.33) offset by subscriptions covered into the Treasury (\$41,745.17). An indebtedness of \$80 is to be paid when amounts due through sales to government institutions have been credited in full.

c Offset by fees covered into the Treasury (\$116,685.05).

d Appropriation 1911 exclusive of \$1,500 and appropriation 1912 and 1913 exclusive of \$2,000 to be expended by the marshal of the Supreme Court for new books for that body.

e Expenditures 1912 include outstanding orders.

The appropriations for 1912 varied from those in the year preceding only in the following particulars: *Appropriation*

Salaries (general service)—General administration: Salary of Librarian of Congress increased from \$6,000 to \$6,500; and the additional position, 1 clerk at \$1,200.

Mail and delivery: One position at \$720 omitted.

Reading Room: One position at \$1,200 (Reading Room for the Blind) omitted; additional positions, 2 at \$600.

Law Library: Change in phraseology: Assistant (instead of messenger) at \$900; additional position, junior messenger at \$360.

Index to Statutes at Large: Appropriation omitted.

Copyright Office: Three clerks at \$2,000 each, instead of 2 (Chief Clerk and Chief of Bookkeeping Division, and Chief of Application Division) at \$2,000, and 1 at \$1,800; and in addition 1 clerk at \$1,600; 2 (instead of 1) at \$480.

Card indexes: The appropriation for services in connection with the distribution of card indexes increased from \$18,800 to \$21,800.

Increase of the Library of Congress: The appropriation for the purchase of books reduced from \$100,000 to \$90,000.

New books of reference for the Supreme Court: The appropriation increased from \$1,500 to \$2,000.

Contingent expenses: The appropriation reduced from \$7,300 to \$6,800.

The appropriations for 1912-13 include the following changes and additional provisions: *Changes in appropriations, 1912-13*

Salaries (general service)—General administration: Additional position, photostat operator, at \$600.

Reading Room: One position at \$1,200 (Division for the Blind [formerly in free public library]) added; 4 increases, 2 at \$1,800 instead of 2 at \$1,500, and 2 at \$1,080 and 11 at \$900 instead of 13 at \$900.

Copyright Office: Additional positions, 2 at \$900.

Card indexes: Appropriation increased from \$21,800 to \$24,500.

Increase of the Library of Congress: The item made to read:

For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, *to continue available during the fiscal year nineteen hundred and fourteen, ninety thousand dollars, together with the unexpended balance of the sum appropriated for this object for the fiscal year nineteen hundred and twelve.*

Temporary services: The item made to read:

For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, two thousand dollars (phrase "to continue available until expended" omitted).

Library estimates, 1912-13: The following positions asked for in the estimates for 1912-13 were not granted:

<i>Administration:</i> Clerk.....	\$1,000
One messenger to Chief Assistant Librarian....	480
<i>Order and Accession:</i> Assistant in charge of publications.....	1,500
One junior messenger.....	360
<i>Documents:</i> Two translators at \$1,200 each.....	2,400
<i>Law Library:</i> One stenographer and typewriter	900
<i>Mail and delivery:</i> One assistant (in particular to operate the motor cycle in connection with the Library delivery service).....	540
<i>Copyright Office:</i> Two clerks at \$1,500 each.....	3,000
Two clerks at \$1,200 each.....	2,400

Increases of salary recommended, not granted:

<i>Administration:</i> Librarian of Congress at \$7,500 in place of Librarian of Congress at \$6,500—increase of...	1,000
<i>Binding:</i> Assistant in charge at \$1,500 in place of assistant in charge at \$1,400—increase of.....	100
<i>Periodical:</i> Chief of division at \$2,500 in place of chief of division at \$2,000—increase of.....	500
<i>Documents:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	100

<i>Maps and charts:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	\$100
<i>Prints:</i> Chief of division at \$3,000 in place of chief of division at \$2,000—increase of.....	1,000
Assistant at \$1,500 in place of assistant at \$1,400—incre- ase of.....	100
<i>Smithsonian Division:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	100

New special appropriation recommended, not granted:

<i>Division for the Blind:</i> For the purchase of books and other material in raised type or relief (in addition to such as may be bought from the general appropriation for the Increase of the Library), for apparatus, for service, for traveling expenses, and for freight, expressage, postage, tele- grams, and all incidental expenses, \$7,500, or so much thereof as may be necessary.....	\$7,500
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Changes in existing special appropriations, recommended,
not granted:

Temporary services: For special and temporary service, including extra
special services of regular employees, at the dis-
cretion of the Librarian, *to continue available*
until expended, \$2,000. And this appropriation
may be credited with all fees received from the public
and covered into the Treasury, for photographing
or transcribing, by persons employed thereunder.

Increase of Library of Congress: (Purchase of books): \$110,000 recom-
mended—\$90,000 granted.

COPYRIGHT OFFICE

The report of the Register of Copyrights appears in full COPYRIGHT:
Statistics as Appendix II, and is also separately printed by the Copy-
right Office. It includes the text of the ten copyright bills
introduced in the second session of the Sixty-second Con-
gress and two Congressional Committee reports, ten court
decisions bearing upon the copyright law, and the text of
the copyright convention between the United States and
Hungary.

The principal statistics of the business done during the year are as follows:

Fees received and applied	Fiscal year 1911-12
Registrations (\$1) including certificates.....	\$108,393. 00
Registrations (50 cents) photographs, no certificates.....	5,594. 50
Registrations (50 cents) renewals.....	674. 50
For copies of record.....	528. 50
For assignments and copies of same.....	1,209. 00
For notices of user.....	91. 25
For indexing transfers of proprietorship.....	45. 80
For searches.....	148. 50
Total.....	116,685. 05
Total number of deposits received (material of all classes, including duplicates).....	219,521
Total number of registrations.....	120,931
Total communications received, including parcels, but excluding deposits noted above.....	140,305
Total communications sent out (including letters written).....	154,436

The fees from copyrights are covered into the Treasury and not applied directly to the maintenance of the Copyright Office. They form a regular revenue of the government, however, and a net revenue over the direct expenses of the office, as appears from the comparison following:

RECEIPTS

COPYRIGHT OR- Fees covered in during the fiscal year 1911-12 as above.. \$116,685. 05

FICE:

Receipts and ex-

penses

EXPENSES

Salaries as stated.....	\$95,058. 55
Stationery and sundries.....	1,056. 81
	96,115. 36
Net cash earnings.....	20,569. 69

The amount expended for salaries (\$95,058.55) includes the sum of \$4,680 paid in salaries to certain employees who have been classifying and crediting the old deposits received prior to 1897. This expenditure is chargeable to

arrears. The *current* expenses of the Office are therefore considerably more than met by the *current* receipts.

The above statement includes all *disbursements* except the cost of furniture, of printing, and of binding, but only *cash* receipts. In addition to cash fees, the copyright business brings each year to the government, in articles deposited, property to the value of many thousands of dollars. During the past fiscal year 219,521 such articles were received. The value of those drawn up into the collections of the Library far exceeded the amount of net cash earnings.

The work of the Copyright Office is divided into two parts: (1) The current business, covering applications received since the reorganization of the Office under the Register in 1897; (2) The arrears, the classification, crediting, and indexing of the entries and deposits prior to 1897 (i. e., from 1870, when the copyright business was first placed under the Librarian of Congress).

On the 5th day of July, 1912, when the report of the Copyright Office was submitted, the remittances received up to the third mail of the day had been recorded and acknowledged; the account books of the bookkeeping division were written up and posted to June 30, and the accounts rendered to the Treasury Department were settled up to and including the month of June, while earned fees to June 30, inclusive, had been paid into the Treasury. All copyright applications received up to and including June 30 had been passed upon and refunds made.

The total unfinished business for the full 15 years from July 1, 1897, to June 30, 1912, amounts to but \$1,053.32, against a total completed business for the same period of \$1,189,666.70.

At the close of business on July 5, 1912, the works deposited for copyright registration up to and including June 30

Current copyright business

had nearly all been recorded as well as a large part of the publications received since that date.

The Catalogue of Copyright Entries, which since the transfer of its publication from the Treasury Department to the Library of Congress has been issued in four separate parts, was continued in five annual volumes properly indexed.

*Copyright busi-
ness prior to July
1, 1897*

During the fiscal year about 9,600 articles received prior to July 1, 1897, were examined preparatory to being credited to their respective entries. Entries were found for some 9,500 of these and 7,528 were duly credited.

During the past 15 years the business done by the Office shows the following:

Total number of entries	1, 577, 732
Total number of articles deposited	2, 801, 691
Total amount of fees received and applied	\$1, 189, 666. 70
Total expenditure for service	\$1, 005, 134. 97
Net receipts above expenses for service	\$184, 531. 73

During the 42 years since the copyright work became a business of the Library of Congress the total number of entries has been 2,458,588.

*Elimination of
copyright de-
posits*

Under authority of sections 59 and 60 of the copyright act of 1909, 22,374 volumes have been transferred to the Library from the deposits in the Copyright Office; 15,755 books deposited in governmental libraries in the District of Columbia, and 43,137 articles have been returned to copyright claimants, including 16,353 books, 6,118 photographs, 13,015 prints, 4,555 contributions to periodicals, 3,070 periodicals, and 26 dramatic or musical compositions.

INCREASE OF THE LIBRARY

*Contents of the
Library, June 30,
1911, and June 30,
1912*

Adopting the count of printed books and pamphlets made in June, 1902, as being accurate, the total contents of the Library, inclusive of the Law Library, at the close of the past two fiscal years, were as follows:

Description	Contents of the Library		
	1911	1912	Gain
Books.....	1,891,729	2,012,393	120,664
Manuscripts (a numerical statement not feasible).....			
Maps and charts (pieces).....	123,946	129,123	5,177
Music (volumes and pieces).....	557,010	591,632	34,622
Prints (pieces).....	339,014	349,745	10,731

Description	Net accessions	
	1911	1912
Printed books and pamphlets.....	98,571	120,664
Manuscripts (a numerical statement not feasible).....		
Maps and charts (volumes and pieces).....	5,493	5,177
Music (volumes and pieces).....	39,204	34,622
Prints (pieces).....	16,715	10,731
Miscellaneous.....	55	69

The accessions of books and pamphlets during the past two years, in detail, classified by source, were as follows:

How acquired	1911	1912
By purchase.....	20,704	18,099
By gift.....	9,181	23,591
By transfer from United States Government libraries.....	22,765	20,709
From the Public Printer by virtue of law.....	3,067	4,213
By International Exchange (from foreign Governments).....	10,618	11,332
Gifts of the United States Government in all its branches.....	1,431	1,907
Gifts from State governments.....	7,767	9,318
Gifts from local governments.....	3,256	2,366
Gifts from corporations and associations.....	414	1,470
By copyright.....	1,32,295	¹ 2 19,835

¹ This includes 17,766 volumes added to the reserve collections.

² This includes 5,323 volumes added to the reserve collections.

ACCESSIONS:
Books and pamphlets by sources

How acquired	1911	1912
By Smithsonian.....	3,913	24,382
By exchange (piece for piece).....	3,714	1,252
By priced exchange.....	50	292
Library of Congress publications (specially bound).....	293	319
Gain of volumes by separation in binding and by binding of books and periodicals previously uncounted or uncounted in their present form.....	10,766	11,175
Total added—books, pamphlets, and pieces.....	130,234	150,260
DEDUCTIONS		
By consolidation in binding.....	8,730	8,927
Duplicates sent in exchange.....	16,742	14,199
Returns of college and library catalogues.....	6,191	6,470
	31,663	29,596
Net accessions.....	98,571	120,664

An examination of the foregoing tables will show that in the matter of increase of the Library the year has been a notable one. This is true in three particulars:

(a) During the year the contents of the Library have passed the 2,000,000 mark and well beyond it.

The count taken in June, 1902, indicated the printed books and pamphlets to number..... 1,114,111
The increases of the two preceding years, carefully counted, had been—

1900-1.....	76,481
1901-2.....	81,971
	158,452

Indicating the contents of the Library (printed books and pamphlets) to have been on June 30, 1900..... 955,659
Increase in 12 years, July 1, 1900-June 30, 1912..... 1,056,734

Contents, June 30, 1912..... 2,012,393

More books and pamphlets, therefore, have been added in the past 12 years than during the preceding century of the Library's existence. The average annual gain during these 12 years has been 88,061.

(b) The past year's increase has been 35 per cent greater than the annual average just mentioned. The only higher record since 1900 was that of 1909, when the Yudin collection was accessioned.

(c) The gifts have numbered far above any recent record, chiefly because of the presentation of the several large groups of material mentioned below; but even without these the aggregate of the smaller gifts coming as the results of incessant solicitation during this year and former years has been exceeded by the total gift receipts of few recent years.

Chief among the gifts of printed books is that of Mr. Jacob H. Schiff, of New York City, who in April last gave the Deinard collection of Hebraica, brought together during many years by Ephraim Deinard, of Arlington, N. J., numbering 9,936 volumes and pamphlets.

The work of classifying and cataloguing the collection is still in the preliminary stages, but the following statement based chiefly on a note furnished by Dr. I. M. Casanowicz of the United States National Museum, after an examination of the manuscript catalogues of the collection, may give a fair general idea of its value.

"A notable gift has just been made to the Library of Congress by Mr. Jacob H. Schiff, of New York City. It is a collection of Hebraica, brought together during many years by Ephraim Deinard, of Arlington, N. J., comprises upward of 9,936 volumes and pamphlets, and covers a period of nearly three and a half millenniums, from the beginning of Jewish national life to the present day.

"As might be expected in the literature of the "People of the Book," the books relating to the Bible fill a large and important space in it. There is a long series of

*Gifts:
Deinard collection from Mr.
J. H. Schiff*

Deinard collection.

editions of the Bible and of parts of it, many of them accompanied by translations in ancient and modern languages (Greek, Latin, Syriac, Arabic, Persian, English, French, German, Italian, Spanish, Polish, Hungarian). Among the more notable editions may be mentioned the great Rabbinical Bible, with the commentaries of Rashi, Kamchi, Ibn Ezra, Ralabag, and others; the Polyglot and Hexaglot Bibles, and a "parallel" Bible, giving variants of the Samaritan, Septuagint, and Vulgate versions. There is also the philological apparatus for the study of the Bible—i. e., grammars, dictionaries, and concordances.

"Next in volume and importance is what is known as the "Rabbinical" literature, which emanated or evolved from the Bible, the Talmud, and Midrashim—those grand repositories of the meditation of Israel's scholars and sages through nearly a thousand years. Of the Talmud itself there is included the first print by Bomberg in Venice, 1520–1523, which was the basis of a very large number of others, and the complete edition of Frankfort-on-the-Main, 1720–1722, and its supplements, which has become the model of all subsequent ones. And to these principal texts are subjoined the commentaries, and commentaries upon commentaries, which have been continued in an endless chain to the present day.

"Alongside of this literature may be mentioned the equally voluminous collection of books bearing on liturgy, ritual, religious ceremonies and practices, apologetics and polemics, on Jewish sects, such as the Samaritans, well known from the New Testament, and the Karaites, a sect which sprang up in the eighth century A. D. and is still represented by flourishing communities in the Orient and southern Russia.

"The literary products of the 'golden renaissance' of Jewish letters under the Arab rule in the Middle Ages, to which we owe the monumental theologicoo-philosophical works of Saadyah, Albo, Maimonides, and the stirring poetry of Halevy, Gabirol, and others, as also on the Cabala, or Jewish mystical philosophy, are fully represented.

"The sections of the library thus far touched upon may be said to belong to the old, characteristically Jewish literary productions; it is in a general way characterized by a religio-theological tenor and purpose.

"With the large division of the *Haskalah*, or liberal literature (properly, "enlightenment"), we approach modern times and breathe the modern spirit. This literature, mostly written in elegant, classical Hebrew, dates from the time when the European nations began to admit the Jews to share in their life and culture, and is scarcely a century and a half old. Its subjects are as varied as those of any other advanced western literature, comprising science, philosophy, history, poetry, romance, etc., and numerous periodical publications.

"As special features of the collection may be mentioned also the unusually large representation of Hebrew poetry, the extraordinary number of rare pamphlets, and the variety of "presses"—no less than 300 different localities being represented out of the 358 known to have been the seats of publications in Hebrew. The fifteenth century itself is represented by some 30 "incunabula."

"Taken as a whole, the collection "checks" well with the catalogues even of the British Museum. It forms an admirable beginning of a department of Semitica in the Library, which the Librarian hopes will develop into one worthy of the National Library of a country in which the Semitic race is playing so important a rôle—and worthy, too, of the rôle which that race has played in history, in literature, and in the development of civilization."

Mrs. Henrietta Irving Bolton gave the unique library of GIFTS:
Bolton her late husband, Dr. Henry Carrington Bolton, numbering 1,631 volumes and pamphlets. Dr. Bolton will be best remembered, doubtless, for his work as a bibliographer of chemistry, his monumental "Select bibliography of chemistry" being definitive for the period it covers, 1492–1902. As would be expected, therefore, his collection is rich in bibliographic works. But his keen interest in the history

of chemistry, particularly the earlier periods, brought together a much larger body of the historical literature on the subject, including many rare and curious works on alchemy and related topics in the field of the occult sciences. The quality and quantity of this material will be apparent upon examining the starred titles in his "Select bibliography," all representing works in his own collection, now ours.

Napoleonic literature

The Karow collection of works relating to Napoleon Bonaparte, gathered by the late Maj. Edward William Karow, of Savannah, Ga., was presented by his widow, Mrs. Anna Belle Karow, in January. Maj. Karow was from his early years an enthusiastic student of Napoleon's career. In the pursuit of his studies he gathered nearly 300 volumes upon the subject, including the principal authorities on the Emperor's intimate life. The fine bindings of the collection are also worthy of note.

From the Mexican embassy in Washington came in October, 1911, the gift of 1,254 books and pamphlets, including many relating to Mexico and Central America, together with nearly 2,000 numbers of periodicals.

Prince Roland Napoléon Bonaparte gave 19 volumes, chiefly his own scientific publications.

The John Lane company, of New York, is continuing its public spirited policy of presenting to the Library of Congress one copy of each of its current imported publications of British books, numbering this year 96 volumes.

Notable gifts of individual works were received as follows:

From Mr. J. Pierpont Morgan, a copy of his "Collection of J. Pierpont Morgan; bronzes of the Renaissance and subsequent periods; introduction and descriptions by Wilhelm Bode."

From His Eminence Cardinal Rampolla del Tindaro, a copy of his "Santa Melania giuniore senatrice romana," delivered by the hand of the apostolic delegate, Archbishop Bonzano.

From Mr. Jacob H. Schiff, a copy of the recently published photographic reproduction of the "Talmud Babylonicum Codicis Hebraici Monacensis 95."

Notable gifts of manuscripts, maps, music, and prints are noted in the reports of the several divisions directly concerned.

While no considerable *en bloc* purchases of printed books were made within the exact limits of the fiscal year, an important acquisition effected since the close of the year may properly be mentioned in this report. This is the Hoes collection relating to the Spanish-American War and its results in Cuba, Porto Rico, and the Philippines, gathered by Chaplain Roswell Randall Hoes, United States Navy, whose untiring efforts in this direction commenced at the very beginning of the war. Such prompt recognition of a bibliographic opportunity resulted in bringing together possibly the most nearly complete collection of books and pamphlets relating to the subject now anywhere existing. It covers not only the military operations, diplomatic negotiations, and administrative activities of the governments involved, but also the native customs, institutions, and political movements. As a matter of course the collection is rich in official publications, but it includes a large proportion of unofficial publications of positive historic value as source material, especially insular imprints of great rarity. It numbers some 43,866 pieces—1,405 volumes, 3,459 pamphlets, 1,416 number of periodicals, 37,215 leaflets (army orders, acts, etc.), 208 manuscripts (including 4 ms. volumes), 128 prints, 33 maps, and 2 pieces of music.

Systematic efforts have been continued to strengthen the general collections of the Library along several selected lines, notably in the field of the historical sciences. The Check list of collections relating to European history issued in proof edition by the American Historical Association's committee on bibliography under the chairmanship of Dr.

PURCHASES:
Hoes collection

*Collections on
European history*

Ernest C. Richardson was carefully checked up, the preliminary results indicating the presence on our shelves of 971 of the 2,197 items listed. Beginning with the more important deficiencies the work of filling the gaps by purchase has been begun and will be continued during the coming year. Individual items thus far secured may not be in themselves of special import, yet the aggregate is mentionable.

PURCHASES:*Noteworthy acquisitions*

The following accessions in other historical lines may be noted: De Myst, G. Verloren arbeyt: ofte, Klaar en kort-bondigh vertooogh van de Colonie in de Lantstreke Guiana, aan de vaste kuste van America op de revier Wiapoca. 1680; Documentos para la historia de Mexico. 20 volumes, 1853-58; Sir Francis Drake reuiued. Calling vpon this Dull or Effeminate Age, to folowe his Noble Steps for Golde & Siluer . . . in a Third Voyage made by him into the West Indies, in the Yeares 72 & 73 . . . 1st ed. 1626; The World Encompassed by Sir Francis Drake. 1635; Ephemeris expeditionis Norreysii et Draki in Lusitaniam. 1589; Lescarbot. Histoire de la Nouvelle France. 1st ed. Paris, 1609; Monardes, Nicolás. Dos libros el vno que trata de todas las cosas que traende de nuestras Indias Occidentales. (Sevilla, 1569); Peterborough. Succinct genealogies of the noble and ancient houses of Alno, Broc, Drayton, Latimer, etc. London, 1685; Trésor de numismatique et de glyptique, ou Recueil général de médailles, monnaies, pierres gravées, bas-reliefs, etc., tant anciens que modernes, les plus intéressans sous le rapport de l'art et de l'histoire, gravé sous la direction de M. Paul Delaroche. (16 volumes to complete our set); Rossi, G. B. de. La Roma sotteranea Cristiana. 1864-77; Cardonnel, P. de. Complementum Fortunatarum Insularum, P. II. sive Galathea Vaticinans. 1662.

Worthy of special note is the acquisition of three scarce and valuable tracts: Brief account of the Province of East

Jersey. London, 1682. Proposals by the proprietors of East Jersey for the building of a town on Ambo-Point. London, 1682. [Penn, Wm.] A brief account of the Province of Pennsilvania. London, 1682. (Sabin 59680.) The last named of these does not appear in the catalogues of the John Carter Brown Library or the Church collection.

First editions of the English classics are represented by: PURCHASES:
Dekker, Thomas. *The Dead Tearme; or, Westminsters First editions
complaint for long vacations and short termes written in
manner of a dialogue betweene the two cityes London and
Westminster . . . 1608*; Dekker, Thomas. *English villanies
seven severall times prest to death by the printers . . .
1638*; Dekker, Thomas. *The wonderfull yeare. 1603.
Wherein is shewed the picture of London lying sicke of the
plague . . . 1603*; Douglas, G. *The XIII. Bukes of Ene-
dos of the famose Poete Virgill Translatet . . . by . . .
Mayster Gawin Douglas. London 1553*; D'Urfey. *Apollo's
Feast; or, Wits entertainment. 1703*; Marvell, Andrew.
Miscellaneous poems. 1681; Milton, John. *Reason of
church government urged against prelacy. 1641*; Suckling's
Fragmenta aurea. 1646.

PURCHASES:
First editions

The fine arts are represented in the year's more important PURCHASES:
purchases by the following: Bode, Wilhelm. *Denkmäler Fine arts
der renaissance-sculptur Toscanas in historischer anordnung
hrsg. von Wilhelm Bode . . . mit registern von Frida
Schottmüller. München 1892-1905*; Bosboom. *Voorbeel-
den van antique Schoorsteen, Cabinetten, Geridons,
Tafels en Spiegels . . . of vervolg op S. Bosboom, Am-
sterdam 1786*; Documents pour l'*histoire du costume de
Louis xv à Louis XVII. Texte par Gaston Schefer;*
Giovanni, Aloisio. *Roma antica di Alò Giouannoli da
Civita Castellana . . . Roma 1615-19*; Gorér, Edgar. *Chi-
nese porcelain and hard stones, illustrated by two hun-
dred and fifty-four pages of gems of Chinese ceramic and
glyptic art. London 1911*; Hofstede de Groot, Cornelis.

PURCHASES:
Fine arts

PURCHASES:
Fine arts.

Jan Vermeer van Delft en Carel Fabritius; photogravures naar al hunne bekende schilderijen met biographischen en beschrijvenden tekst van Dr. C. Hofstede de Groot. Amsterdam 1907; Jombert, Charles Antoine. *Repertoire des artistes; ou, Recueil de compositions d'architecture & d'ornemens antiques & modernes, de toute espece.* Par divers auteurs, dont les principaux sont: Marot, Loire, Du Cerceau, Le Pautre, Cottart, Pierretz, Cotelle, Le Roux, Berain, &c. En six cens quatrevingt-huit planches. Avec un abrégé historique de la vie & des ouvrages de chacun de ces artistes. Paris 1765; Lapauze, Henry. *Les pastels de M. Q. de la Tour à St. Quentin;* Lapauze, Henry. *Les portraits dessinés de J.-A.-D. Ingres,* Paris 1903; Lysons, Samuel. *Reliquiae Britannico-Romanae.* London 1797-1812; Niccolini, Fausto. *Le case ed i monumenti di Pompei, disegnati e descritti.* Napoli 1854-96; Nolhac, P. de. *Les Femmes de Versailles.* Paris 1906-9; Schönbrunner, Joseph. *Handzeichnungen alter meister aus der Albertina vnd anderen sammlungen . . . Wien 1896-1908;* Saint-Victor (known as Beauvalet). *Vases grecques et étrusques tant en bronze qu'en couleur de terre, peints d'après sa nouvelle découverte métallique.* Paris 1837.

The principal serial accessions of the year, acquired for the most part to fill gaps in our sets, include files of the following: *L'Apiculteur* 1856-99. t. 1-43; *Archiv für die gesammte physiologie des menschen und der thiere.* 1896-1903; *The Gate City guardian and the Southern confederacy.* Vol. 1, No. 1, to Vol. 3, No. 87. Atlanta, Ga. 1861-63; *Norsk retstidende.* Utgit av den Norske sagførerforening. 1836-1900, 73 volumes; *Zeitschrift für psychiatrie.* 10 volumes; *Zeitschrift für wissenschaftliche zoologie.* 60 volumes; *Revue universelle des mines.* 1885-1899.

Among the purchases of general reference works and collected writings: Arnim, Ludwig Achim von. *Sämmtliche werke;* hrsg. v. W. Grimm und B. von Arnim und Varnhagen von Ense. 22 volumes; *Century dictionary, cyclo-*

pedia and atlas, new edition. 2 sets. Encyclopædia Britannica. 11th edition. 3 sets. Hugo, Victor. Oeuvres complètes; édition de l'Imprimerie Nationale. Krünitz, Johann Georg. Oekonomische encyklopaedie, oder Allgemeines system der staats-stadt-haus- u. landwirtschaft. Berlin, 1782-1858. 74 volumes to complete our set.

Of special bibliographic interest are copies of the facsimile reproduction of the Ellesmere Chaucer issued by Manchester University; and Olschki's Monumental edition of Dante's *Divina commedia*.

Receipts from transfers have been normal. The accessions from this source included:

Transfers and exchanges

	Volumes	Pamphlets	Numbers
Bureau of the Census.....	1,325	1,280	669
Bureau of Education.....	361	973	547
Bureau of Fisheries.....	68	61	504
Bureau of Labor.....	86	29	613
Bureau of Manufactures.....	124	7	5,691
Bureau of Mines.....	102	10	23
Bureau of Standards.....	48	83	464
Bureau of Statistics.....	332	145	3,462
Bureau of Trade Relations.....	44	4	272
Department of Agriculture.....	1,942	2,085	15,584
Department of the Interior.....	28	2	1
Navy Department.....	305	2	166
Post Office Department.....	202	28	.....
Department of State.....	1,299	.....	19
Treasury Department.....	211	5	64
Geological Survey.....	238	442	3,177
Interstate Commerce Commission.....	546	485	1,737
National Monetary Commission.....	200	14	.....
Naval Medical School.....	1,139	.....	.....
Weather Bureau.....	57	204	839

The most important single item received by transfer during the fiscal year consisted of 1,299 bound volumes of periodicals and newspapers from the Department of State. Since

Transfers and exchanges At the close of the year, however, the library of the National Monetary Commission, consisting of 2,298 volumes and 1,528 pamphlets, 3,444 numbers of periodicals, 30 maps, and 7 manuscripts, has been taken over in conformity with the Legislative, executive, and judicial appropriation act approved August 23, 1912. The library of the Tariff board, numbering 2,335 volumes and 1,490 pamphlets and 5,552 numbers of periodicals, has also been received by transfer under the provisions of the Act approved February 25, 1903 (U. S. Stat. L., vol. 32, p. 865). The gross receipts through transfer and exchange during the fiscal year were 22,253 volumes and pamphlets, the gross deductions 20,669.

These figures, however, do not include the copyright deposits transferred under the provisions of the copyright act now in force, the deposits so transferred not having been previously counted as part of the contents of the Library.

The Act of March 4, 1909, provides that copyright deposits not needed for the permanent collections of the Library of Congress may be (a) transferred to other governmental libraries in the District of Columbia; or (b) placed in the reserve collections for sale or exchange. Transfers to the governmental libraries, begun in December, 1910, have continued upon selections made by the several libraries interested, not only from the great file of accumulated deposits but from the current books as received from day to day. The volumes transferred between July 1, 1911, and June 30, 1912, numbered as follows:

Public Library of the District of Columbia.....	6,370
Bureau of Education.....	4,360
Navy Department.....	1,350
Bureau of Standards.....	1,040
Surgeon General's library.....	524
Department of Agriculture.....	294
Bureau of Mines.....	256
Naval Observatory.....	168
Department of Justice.....	80
Interstate Commerce Commission.....	52
War Department.....	50
Weather Bureau.....	10

Libraries outside the District of Columbia have begun during the year to benefit by the exchange provisions of the statute. Some 1,243 volumes on medicine were withdrawn from the copyright files and sent on exchange account to the John Crerar Library in Chicago and the Medical Library Association in Baltimore, and nearly 4,500 numbers of unbound periodicals to the New York State Library.

Printed lists of wants and offers of American session laws and State reports issued in the latter half of the year resulted in the immediate addition of nearly 300 volumes of considerable commercial value through exchange. Two miscellaneous lists of offers were also distributed.

DIVISION OF MANUSCRIPTS

(From the report of the Chief, Mr. Hunt)

In reviewing the progress of the Division of Manuscripts for the past year, a fact which stands out conspicuously is that it has been in many directions. It thus tends to justify the hope of increasing usefulness to students and scholars whose interests lie in many different fields of American history. The colonial period; the Revolution; the Constitution-making period; the Spanish American occupation; the War of 1812; the period before the Civil War; the Civil War itself; the reconstruction period, and the years which are closer to us; economic history; social and literary history; political history; military history; naval history; diplomatic history; religious history; science;—are all represented in the accessions.

Many of the accessions were gifts. To mention only a few: The Maury papers were given by Mrs. Mary Maury Werth and other descendants of Capt. Maury; the additional Van Buren papers by Dr. Stuyvesant Fish Morris, for himself and Mrs. Morris and Mrs. Smith Van Buren; the Mexican Inquisition papers, by David Fergusson, Esq.; the Edwin M. Stanton papers, by Lewis H. Stanton, Esq.;

the Louise Chandler Moulton collection, by Mrs. Florence Moulton Schaefer; Dr. Henry Carrington Bolton's unpublished scientific work by his widow, Mrs. Henrietta Irving Bolton. A complete list of the gifts is appended to this report.

The additional Welles papers are a deposit; and most of the papers purchased were offered to the Library at a less price than would have been asked if they had been regularly put on the market. The opinion is therefore gaining that the National Library is the repository where such material will not merely secure the fullest utility but the most enduring distinction to those whose activities it records.

War Department records—The relationship between the Library and the historical functions of other government offices in Washington is necessarily intimate; and it is to the Library that investigators usually apply for information concerning the historical resources of the departments, and the regulations governing the use of their archives for purposes of historical investigation. Until recently, it has been obliged to answer all inquiries concerning the military records of the War Department by saying that they were not open to personal inspection. Happily, the policy on this subject has recently been changed, and, by order of the Secretary of War, dated March 26, 1912, the records may now be used, under rules which insure their safety, by persons who shall be recommended as of proper responsibility by this Library and certain other institutions.

Destruction of Government records—The Act of March 2, 1895, provides the means by which the departments may destroy useless papers. A list of the papers is submitted to Congress, and a joint committee of both Houses passes upon the question of destroying them. While the destruction has, generally speaking, been of papers which were useless for all purposes, there have been occasions when it was not; and undoubtedly papers of historical value have been destroyed because the question of their

preservation was not passed upon by an institution which regarded it simply from the point of view of the historian. It was this fact, doubtless, which caused the President to issue the following Executive order:

It is hereby ordered that before reporting to Congress useless files of papers to be disposed of under the provisions of the Act of February 16, 1889, as extended and amended by Section 1, Chapter 189, of the Act of March 2, 1895, lists of such papers shall be submitted to the Librarian of Congress in order that the several executive departments may have the benefit of his views as to the wisdom of preserving such of the papers as he may deem to be of historical interest.

W.M. H. TAFT

THE WHITE HOUSE

March 16, 1912

[No. 1499.]

One reason which the departments give for destroying certain of their records is that they have no room in which to store papers which are not needed in current administrative work, and the plea is a valid one. No department in Washington is provided with a suitable place for its archives. Some department records have been transferred to the Library, but as compared with the mass, those which it can accept are few in number. The problem of disposing of the bulk of the Government archives (i. e., the administrative records proper) can be solved only by the erection of a central archives building. It is gratifying to note that at the last session of Congress progress was made towards securing such a building.

Taking up a few of the more important accessions, the group which covers the earliest date is that portion of the papers of Spencer Compton, Lord Wilmington, which the Library was fortunate in obtaining at the sale of the Townshend manuscripts in London last winter. They are letters and petitions addressed, for the most part, to him when he

was President of the Privy Council, 1731-1743, and memoranda of business brought before the council, including matters relating to the North American colonies and the West Indies. They were remarked upon and partly calendared by the British Historical Manuscripts Commission in its eleventh report, Appendix, Part IV, describing the manuscripts of Marquis Townshend. The papers have not been printed, nor are they among the British transcripts which have been made for the Library.

British transcripts - A detailed list of additions made in the past year to the transcripts from the British archives pertaining to the American colonies is given in Appendix III of this Report.

Arrangements are now in progress to have copied those manuscripts in the libraries at Fulham and Lambeth Palaces which relate to the Episcopal Church in the colonies, and when this copying and that now in progress in the Public Record Office shall have been completed the task of copying colonial historical material in London will be completed in the main. There will remain a few smaller collections to be transcribed, but the great enterprise will have been accomplished.

It is regrettable that the Library was obliged to copy the papers in Fulham and Lambeth Palaces. In 1830 Dr. Francis Hawks, Historiographer of the American Episcopal Church, made transcripts of a part of them, and selections from these were printed in *The Documentary History of the Protestant Episcopal Church* by Drs. Hawks and Perry (New York, 1863). Dr. Hawks's transcripts comprise some eighteen folio volumes and are now in the Church Mission House in New York. The facilities for their use in that depository are not good, however. The room in which they are is crowded, and the surroundings are discouraging to historical investigation. It was hoped that the volumes might be removed from their present undesirable location and entrusted to the custody of the Library, where they

would find appropriate companionship with the other British transcripts and would be accessible to historical science. A suggestion to that effect was well received by individuals among the Episcopal clergy, but, unhappily, failed to induce favorable action on the part of the officials in charge of the transcripts. The Library has therefore undertaken to obtain new transcripts on its own account.

The question of obtaining American colonial material from other European countries is under consideration, and a plan for transcribing some of the archives in Paris will soon be matured.

To the economic history of the colonial period belong the *Dixon account books* 40 volumes of ledgers and account books of Edward Dixon, recently acquired. He was a merchant at Port Royal, on the Rappahannock River, Va., and his books run from 1743 to 1796, giving a good survey of current prices, the movement of trade, the character of exports and imports, and the articles consumed on the plantations.

Almost equally old in point of date are the papers of Adam Stephen, lieutenant colonel and commander of the Virginia forces in 1754 and succeeding years, and again in 1763; and brigadier and major general in the Revolution until he met misfortune in 1777, when his military services terminated. The papers begin in 1749, and extend to the settlement of his estate after his death in 1791. Among them are six valuable military letters of Gen. Washington to Gen. Stephen, three written in 1755 and three in 1777; military letters, in 1754, from Robert Dinwiddie, and from Francis Fauquier in 1763; and many muster rolls, regimental returns and accounts.

A colonial item which also deserves separate notice is the *Samuel Hobart's orderly book* orderly book of Samuel Hobart, 1760. Orderly books of the prerevolutionary period are becoming extremely rare, and it is only at long intervals that the Library has an oppor-

tunity to add one to its collection. One obstacle which stands in the way is the high price which material of this kind usually commands in the market. This orderly book was kept by Hobart as adjutant in Col. John Goffe's New Hampshire regiment, from May 25 to December 18, 1760, and covers the movements of the regiment at Crown Point, St. John's, and Montreal.

Jefferson letters The Jefferson collection, already one of the largest in the Library's possession, was enriched by the addition of 131 inedited letters, bought at a sale in Philadelphia, many of them containing important observations on political events, and throwing light on his domestic and private life between the years 1798 and 1822.

Additional Van Buren papers The gift of the Van Buren papers has been dwelt upon in previous annual reports. The calendar of the papers was published in 1910. Last February some additional papers were received from Dr. Stuyvesant Fish Morris, being, he said, the last installment. They date from 1813 to 1862, and are of the same general character as the papers already in the Library. While it is regretted that they reached the Library too late to be included in the published calendar, it would seem to be feasible to form them into a small supplementary calendar, which may include in it such Van Buren papers from other sources as the Library may obtain.

The House of Representatives collection In the Librarian's annual report for 1910 it was announced that certain papers were being transferred from the files of the House of Representatives, under the provisions of the resolution of Hon. James F. O'Connell, of Massachusetts, as amended by Hon. Francis Burton Harrison, of New York. The transfer was completed in 1911, and the classification, arranging, and cataloguing of the collection was accomplished last winter, by Mr. Asa C. Tilton, a trained archivist, whose services the Library was fortunate in obtaining for a few months.

A memorandum by Mr. Tilton describes the papers as falling into four divisions:

(1) Petitions. Slavery petitions from various States, South and North; on African colonization of free negroes; abolition of slavery in the District of Columbia; the Missouri compromise; the annexation of Texas, etc.

A similar series on the tariff and matters connected therewith.

(2) Private claims.

(3) Reports and papers from the executive branch of the government.

(4) Imprints. Some government imprints are found; also pamphlets, etc., which accompany petitions, claims, etc.

Many of the printed papers were printed for a specific purpose, and never passed into public circulation. They have, therefore, the historical characteristics of manuscripts. This is especially true of bills introduced in Congress, complete files of Congressional bills being nowhere preserved.

Many of the manuscript documents in the collection have been printed, but the originals often show variations between the manuscript and the print. Also, the originals are of great importance in authenticating the printed documents. In the case of such an incident, for example, as the attempted censure of John Quincy Adams, in 1837, for presenting petitions for the abolition of slavery, every word in the resolution of censure proposed assumes importance. The original documents, which are in the collection, show that the printed documents did not follow the originals accurately. The same remark is true of the printed papers in the impeachment trial of President Johnson.

The autographic value of the collection is noteworthy. One letter will serve as an illustration. On December 23,

1799, nine days after the death of Gen. Washington, Congress passed a resolution, requesting the President of the United States to extend the condolence of the government and the nation to Mrs. Washington, and to ask her to allow her husband's remains to rest in the Capitol. Her reply, dated December 31, is among these papers.

House of Representatives collection The selected petitions show the growth and fluctuations in public opinion on all the great questions that have come before Congress. The first petition against slavery is dated December 30, 1799, and came from seventy free negroes in Philadelphia. In 1800 and 1801, petitions from slave-holders in Delaware and Maryland begged for stricter laws for the recovery of fugitive slaves. In 1806, a memorial from the American Convention for the abolition of slavery was presented. A memorial from citizens of South Carolina, dated December 29, 1807, asked exemption from the operation of the law which prohibited the slave trade after January 1, 1808, in favor of certain slave-laden vessels, which had been delayed in reaching port. Many of the petitions relate to African colonization schemes; and one from Tennessee, in 1832, advocated the establishment of a negro territory in the West. The petitions from the South show the numerous plans for emancipation which were projected there.

The group of memorials against dueling is of considerable proportions. Many papers were presented immediately after the duel on February 28, 1838, between William Graves, a Representative from Kentucky, and Jonathan Cilley, a Representative from Maine, in which Cilley was killed.

The tariff petitions are numerous, and furnish an admirable index to public opinion on this subject.

Many of the papers filed in private claims yield rich historical information. For instance, Michael Hogan, American

consul in Chile, made claim for salary and expenses in 1832. The papers show what were the political and commercial conditions on the west coast of South America at the time, and one letter gives information about Alaska, obtained from a Russian ship bound thither. Another is the claim, in 1840, of William Carmichael, who was secretary to the American mission at Paris, in 1776-1778, and at Madrid in 1780. Among the papers he presented are important historical letters from the Marquis de Lafayette, Marquise de Lafayette, Baron De Kalb, Silas Deane, Ralph Izard, Robert Morris, Gouverneur Morris, John Paul Jones, and Thomas Jefferson.

Before these papers came into the Library's custody they were, practically speaking, inaccessible for historical and administrative purposes. In the place where they were stored, there were no facilities for consulting, still less for studying, historical archives. Naturally, the attention and time of the officials and clerks who have charge of the file room of the House are engrossed by those questions which pertain to the present day, and they can not be expected to familiarize themselves with papers which only concern the past. It is true that, on rare occasions, space is found in the crowded offices for an investigator to work among the old archives, which are brought to him in lots from their filing place; but the arrangement can only be occasional, and is not satisfactory to any one.

No provision has ever been made by the House of Representatives for regular, systematic care of its old records, and, as a result, many of them have been lost or destroyed.

On April 24, Mrs. Mary Maury Werth, the daughter of the late Capt. Matthew Fontaine Maury, and other of his descendants, were received by special appointment by the

The Maury gift

President of the United States, and handed him the following letter:

To the President:

We, the undersigned, desire, through you, Mr. President, to present to the United States of America the collection of letters, medals and other honors conferred upon the late Matthew Fontaine Maury by foreign Governments in recognition of his services to science and navigation, of which a description is hereto annexed, with the request that, if accepted, you will direct its deposit in the governmental institution at Washington which would be the most appropriate custodian of such a memorial.

We assume that in the case of the medals this would be the National Museum and that as regards the rest of the collection it would be the Library of Congress.

We have the honor to be, Mr. President,

Yours most obediently,

(Signed) MARY MAURY WERTH
LUCY MAURY VAN DOREN
ROSE ROBINSON MAURY
MATTHEW FONTAINE MAURY WERTH
NANNIE BELLE MAURY
ALICE MAURY PARMELEE
SOPHIA BRUCE MAURY
DABNEY H. MAURY

President Taft accepted the gift for the United States and directed that the medals be deposited with the National Museum, and the books and papers with this Library.

The following medals were sent to the Museum:

Gold medal from the King of the Netherlands;
Gold medal from Bremen;
Gold medal from the King of Prussia;
Gold medal from the Emperor of Austria;
Gold medal from the Emperor of the French;
Thirteen silver medals from Pope Pius IX;
Gold medal of the French Exposition of 1855.

A more particular account of the medals is not given here, because it will doubtless form a part of the report of the Secretary of the Smithsonian Institution.

The Maury papers are now in the Manuscripts Division of the Library. They will be arranged, repaired, and mounted, and, as "The Maury collection," will form a worthy monument to Capt. Maury and an important contribution to historical science. They throw much light upon scientific development in the United States; upon the creation of an important department bureau; upon the diplomatic and naval history of the Civil War; upon the efforts made to establish a colony of Americans in Mexico after the war. They are rich in autograph letters of great interest—among others, from the Grand Duke Constantine of Russia, Humboldt, Maximilian, Carlotta, and Pope Pius IX.

Matthew Fontaine Maury was appointed a midshipman in the Navy in 1825, when he was 19 years old, and in 1842 was made superintendent of the depots of charts and instruments at Washington, which afterwards became the Hydrographic Office and was combined with the National Observatory in 1844, under Maury's superintendency. Later it became the Naval Observatory.

His first work, Maury's Navigation, was published in 1834. Thereafter his writings on the Navy, Warehousing, Southern Commerce, Winds and Currents of the Sea, Astronomical Observations, and kindred subjects followed one another rapidly. In 1856 his great work on The Physical Geography of the Sea appeared, and, at intervals, his numerous geographical works, elementary and advanced.

In 1861, upon the secession of his native State, Virginia, he resigned from the Navy of the United States and entered the Confederate Navy, where he was engaged in torpedo and submarine service. He was sent to Europe to continue his experiments, and was one of the Confederate Navy agents for purchasing and arming vessels. The war closing, he

M. F. Maury

went to Mexico with a view to establishing colonies of Southerners in that country, but after the fall of Maximilian he returned to Virginia and became professor of physics at the Virginia Military Institute, at Lexington, where he died February 1, 1873.

There is not space in this report to do more than allude to his achievements. Humboldt said his discoveries in marine tides and winds had made him the founder of a new science. It was his knowledge on this subject that enabled him to indicate the correct line to be followed in laying the Atlantic cable. At the dinner given to celebrate the transmission of a telegraphic message across the Atlantic, Cyrus W. Field said, in his speech, "Maury furnished the brains, England gave the money, and I did the work." In speaking of the Weather Bureau's work, Senator Vest of Missouri said in the Senate December 14, 1880:

The man who commenced it, in whose brain it first had existence, was M. F. Maury. In 1853 he instigated and brought about, by his own individual exertions, the assembling of a convention of scientists of the world at Brussels to take into consideration a uniform system of meteorological observations.

The honors which his distinguished services brought him were numerous. In addition to the medals already noticed, he was thanked by the Legislature of the State of Illinois for his efforts to secure the enlargement of the Illinois and Michigan canal so that war vessels might pass between the Gulf and the Great Lakes; was honored by membership in the Academies of Science of Paris, Berlin, Brussels, St. Petersburg, and Mexico; and was given the degree of LL. D. by Cambridge University. In 1855 the merchants and underwriters of New York presented him with a service of plate and \$5,000 to show their appreciation of his chart of two lanes, each 25 miles broad, which he recommended for steamers going across the Atlantic and returning. When he left England, in 1865, his admirers—scientists, shipown-

ers, and others—presented him with a loving cup and 2,000 guineas in gold. When he resigned from the Navy, in 1861, the Grand Duke Constantine, on behalf of the Russian government, invited him to take up his residence in Russia, in a letter which is quoted below because it illustrates the contemporary opinion in which Maury was held outside of the United States.

ST. PETERSBURG *27 July
8 August 1861*

MY DEAR CAPT. MAURY

The news of your having left a service which is so much indebted to your great and successful labours, has made a very painful impression on me and my companions in arms. Your indefatigable researches have unveiled the great laws which rule the winds and currents of the ocean and have placed your name amongst those which will be ever mentioned with feelings of gratitude and respect not only by professional men, but by all those who pride themselves in the great and noble attainments of the human race. That your name is well known in Russia I need scarcely add, and though "barbarians," as we are still sometimes called, we have been taught to honour in your person disinterested and eminent services to science and mankind.

Sincerely deplored the inactivity into which the present political whirlpool in your country has plunged you, I deem myself called upon to invite you to take up your residence in this country, where you may in peace continue your favorite and useful occupations.

Your position here will be a perfectly independent one—you will be bound by no conditions or engagements and you will always be at liberty to steer home across the ocean in the event of your not preferring to cast anchor in our remote corner of the Baltic.

As regards your material welfare, I beg to assure you that everything will be done by me to make your new home comfortable and agreeable, whilst at the same time the necessary means will be offered you to continue your scientific pursuits in the way you have been accustomed to.

I shall now be awaiting your reply, hoping to have the pleasure of soon seeing here so distinguished an officer, whose personal acquaintance it has always been my desire to make and whom Russia will be proud to welcome on her soil.

Believe me, my dear Capt. Maury

Your sincere wellwisher

(Signed) CONSTANTINE

Grand Admiral of Russia

This letter, and many others which illustrate the career of Maury, are among the papers which are now the property of the government which he served with so much distinguished ability.

Stanton papers In the last annual report, mention was made of the deposit by Lewis H. Stanton, Esq., of New Orleans, of the papers of his father, Edwin M. Stanton, the Secretary of War. In the past year Mr. Stanton has deposited more of his father's papers with the Library, the additions being of great historical importance. They are now being used by a new biographer of Secretary Stanton.

Clark papers The last annual report also recorded the gift to the Library, by Col. Micajah Henry Clark, of Clarksville, Tenn., of the vouchers and receipts for the distribution of the last remaining currency in the treasury of the Confederate states, Col. Clark having been the last acting treasurer of the Confederate government. The timeliness of the gift was emphasized by the death of Col. Clark a few months later. Being taken ill at his home in Clarksville, he was brought to this city for treatment; but died at the residence of his daughter, Mrs. E. S. Munford, 1726 I Street. How Col. Clark guarded the gold, and how he distributed it, is an interesting incident of the Civil War. The conclusion he reached, shortly before his death, that this Library was the most suitable place of deposit for the records of the transaction, will serve as an example for the emulation of others who have similar historical papers.

Welles papers

In that report was also recorded the deposit with the Library of part of the papers of Gideon Welles, Secretary of the Navy during the Civil War, by his son, Edgar T. Welles, Esq., of New York. Nine volumes of Secretary Welles's official letter books, 1862-1869, have been added to the deposit. The great value, historically, of Gideon Welles's writings, especially concerning the war, was indicated by the publication, recently, of his diary. When all of his papers shall be accessible in the Library, it is believed they will be found to be unrivaled for the information they throw upon the period they cover.

The papers of Agustin de Yturbide—acquired, one part, ^{The Yturbide} _{papers} last summer, and the remainder last winter—are the most important papers, in the particular field which they cover, in the Library's possession.

Yturbide's military career in Mexico began in 1809, and in 1820 he engaged in the revolution which resulted in the independence of Mexico. He was solemnly crowned as Emperor of Mexico, under the title Agustin I, on July 2, 1822. He abdicated March 7, 1823, and was banished from Mexico. He first went to Leghorn, Italy, and then to London, in 1824. Hearing that the tide had turned in his favor he returned to Mexico in July, only to find, on his arrival, that he had been outlawed. He was captured, and executed on July 19, 1824.

When he was banished, he carried all his important papers with him to Italy, and then to London, where he left them when he made his last voyage to Mexico. Since his death they have been in the hands of his descendants; but, some years since, they were classified and arranged by David Fergusson, Esq., who at one time represented the Yturbide estate, and they are now in an admirable state of preservation.

When Mexico achieved her independence, the territory which now comprises seven of the states of the Union,

which had belonged to Spain, became Mexican, and the history of Mexico for that period is part of the history of the United States. The acquisition of the papers is especially timely, as there is at present a notable activity in the study of Spanish-American history. Already they have been used by several investigators.

The Yturbide papers comprise about 6,000 documents, extending from 1799 until his death, and later. They pertain to military questions in the civil wars, official correspondence with Mexican officials, the military diary of Yturbide, orders, proclamations, accounts, personal correspondence, and evidence of an historical character gathered after Yturbide's death.

Mexican Inquisition papers

Mr. David Fergusson's services in connection with the Yturbide papers have been mentioned. It is a pleasure to record the fact that he made a gift to the Library of his notable collection of Mexican Inquisition and other manuscripts. They comprise commissions, letters from the Inquisitors in Mexico in 1759, transmitting edicts to various commissaries of the Holy Office; proofs of descent from old Christians, free from Jewish or Moorish blood, dated April 30, 1611 (without these proofs no one could hold office in the service of the Inquisition); manuscript books, being records of foreigners in the Royal Cedula of Reprisals against French, Portuguese, etc.; and a number of other manuscript books and documents on kindred subjects.

Louise Chandler Moulton collection

Ellen Louise Chandler was born in 1835 and began to contribute to periodical literature when she was 14 years old. She published her first book when she was 19. In 1855, when she was 20, she married William U. Moulton and settled in Boston. In 1876 she began the custom of visiting Europe almost annually, living there for half the year, principally in London. She died in 1908. Her literary career thus extends over a period of 60 years, and during 30 years of her life she was in personal contact

with the principal literary characters on both sides of the Atlantic, her house in London being as popular a gathering place for them as was the house on Rutland square in Boston.

Among her most devoted friends was Philip Bourke Marston, the English poet, who died in 1887, when he was only 37 years old, and left his papers to Mrs. Moulton. They constitute a separate group of the papers now deposited with the Library. Marston's most intimate friend and constant correspondent was Dante Gabriel Rossetti; but he also corresponded with Swinburne, Elizabeth Barrett Browning, and others of similar celebrity.

It is doubtful whether there exists anywhere as comprehensive a collection of autograph letters from English-writing poets, novelists, and magazine contributors. Mrs. Moulton enjoyed the friendship of Robert Browning, and there are three characteristic autograph letters from him to her, the earliest dated February 24, 1878; there is one from George Eliot in the same year; one from Tennyson; there are several from Whittier, Walt Whitman, and Horace Greeley; a number from George Meredith, Oliver Wendell Holmes, E. C. Stedman, Richard Watson Gilder, Paul H. Hayne, and many others. To name the living authors who are represented would be to give a list not only of those who have won success and fame, but of many lesser lights whose names are hardly known outside of the profession itself.

Shortly after Mrs. Moulton's death, her friend, Prof. Arlo Bates, classified her books and papers, and the former were sent to the Boston Public Library, the latter being sent to this Library, with the approval of Mrs. Moulton's daughter, Mrs. Florence Moulton Schaefer. Among them were a number of photographs of celebrated persons, most of them bearing the autographs of the originals, and these are now deposited in the Prints Division of the Library.

When the papers were first deposited here, in 1909, it was on the understanding that none of them were to be exhibited or used until the biographical sketch of Mrs. Moulton, which Miss Lilian Whiting was then engaged in preparing, should be published. Miss Whiting's book appeared in the autumn of 1910, and the papers now take their place on the Library's shelves with the other manuscripts.

But, like many other manuscripts, they are subject to some restrictions in their use, in accordance with the Library's policy. As this policy seems not to be known to all who resort to the Manuscripts Division, although it was published in the annual report for 1905, it seems to be desirable that it should be outlined again.

*Restrictions on
the use of manu-
scripts*

The Library must exercise its judgment before placing certain of its papers in the hands of investigators. It can not permit them to be exploited for sensational or abusive purposes, and every precaution is taken to guard against such a use of them. Papers of recent date are naturally kept from general inspection more rigidly than collections of very old manuscripts. Letters of or concerning people still living are guarded with the greatest care, lest they be misused. The Library must feel confidence in the discretion of an investigator before it will intrust to his use papers which can be used with injurious effect. This policy is required, not only in the interest of sound historical science, as opposed to sensationalism, but also in the interest of the Library's efforts to obtain collections of historical papers. Owners of collections of family papers naturally feel a reluctance to part with them, if they believe that, when deposited with the Library, they must become accessible to every enquirer. The reluctance disappears, however, when it is known that judgment is exercised in permitting entrance to the collections. There are, in fact, few applications for the use of the papers by people whose discretion can not be relied upon, and few complaints are made against the restrictions which the Library imposes. No complaints are ever made by

scholars who are familiar with the rules governing the use of manuscripts in other institutions.

Of character similar to the Moulton papers is the gift, <sup>Thomas Hardy
manuscript</sup> through Mr. Sydney C. Cockerell, of Cambridge, England, and Mr. Luther S. Livingston, of New York, of the manuscript of Mr. Thomas Hardy's collection of stories, "A group of noble dames."

An individual item which justifies mention is the manuscript of the last set speech made by John C. Calhoun in the Senate, March 4, 1850. It was one of the most important deliverances of a Southern leader on those questions which caused the Civil War, and did much to crystallize public sentiment. Owing to Calhoun's enfeebled physical condition—he died March 31—the speech was read for him by James M. Mason, Senator from Virginia, and its delivery constitutes one of the dramatic incidents in the history of the Senate. The Library has been so fortunate as to obtain the manuscript of this speech, as it went from Calhoun's hand to the printer. The greater part of it is in the penmanship of his private secretary, Joseph A. Scoville, but there are many interlineations and many lines struck out, by Calhoun's own hand. It is a document of great historical and autographic interest.

For some years past it has been known to students of <sup>The Hammond
papers</sup> political events preceding the Civil War that one of the most important collections of papers on the subject was that of James Henry Hammond, a Representative in Congress from South Carolina in 1835 and 1836; Governor of the state, 1842 to 1844; and Senator from 1857 to 1860. The papers were for a long time in the custody of his son, Maj. E. S. Hammond, from whom they passed recently to Maj. Hammond's son, James H. Hammond, Esq., of Columbia, S. C. Although there was no disposition on the part of the owners to prevent historical investigators from seeing them, they were practically inaccessible, being kept in the country, where few investigators could go. Generously yielding to

The Hammond papers the representations of the Library that the importance of the collection was such that it should be deposited where it could be more freely consulted and studied, the owner consented to dispose of it to the Library, and it is now open for use under the Library's rules.

When Dr. J. Franklin Jameson edited the writings of John C. Calhoun for the American Historical Association, in 1900, he obtained from Maj. Hammond copies of the letters sent by Calhoun to Senator Hammond, and printed most of them. Beyond these, none of the papers in the collection have been printed. Senator Hammond methodically preserved his papers from early in his life, and, in spite of many vicissitudes, the collection has suffered no depletion since his death. He graduated from the College of South Carolina—now the University of South Carolina—in 1825, and, three years later, joined the nullification party in its resistance to the Federal tariff laws. As an officer in the militia he was actively engaged in recruiting for the conflict of arms which seemed imminent. From that time until his death he never faltered in his position as a believer in the extreme doctrine of state rights. A man of wealth, and the owner of a large number of slaves, he was an active and powerful advocate of the benefits of slavery, both from an economic and political standpoint. While he held public office infrequently, he was recognized for 30 years as one of the strongest men in his state and in the South, and always had an influential following. His arguments for state supremacy and for slavery spoke the sentiments of the extreme wing of the Southern party. His speech in the Senate, in March, 1858, on the admission of Kansas, in which he used the celebrated phrase, "Cotton is King," was one of the most quoted speeches of the Southern leaders. While his voluminous correspondence is chiefly with other leading characters in South Carolina, and pertains to the political attitude of that state; it develops with remarkable

clearness the whole movement of which the state was the leader, and which culminated in the Civil War.

To the scientific group has been added, by gift of Mrs. Henrietta Irving Bolton—the widow of Prof. Henry Carrington Bolton, the eminent authority in chemical literature—his unpublished catalogue of Uranium compounds and their formulæ and his historical treatise on Symbolism in alchemy and chemistry; both manuscripts having special value to scientists, but the treatise on Symbolism also of interest to the layman.

The publication of volumes xix, xx, and xxi of the *Journals of the Continental Congress* for the year 1781, having been delayed because of the insufficiency of the printing fund, are at length printed, and will be issued before this report goes to Congress. Active work in editing the volumes for 1782 will then be in progress.

A calendar of the papers of John J. Crittenden, which was begun some years ago by Mr. Wilmer R. Leech when he was in the division, has been completed by Mr. C. N. Feamster, an assistant in the division, and is now in the printer's hands.

Mr. J. C. Fitzpatrick's colossal calendar of Washington's military correspondence during the Revolution is entirely printed, and the Index—a work of enormous labor and volume—is nearly done.

The Repair Section has continued the mounting of manuscripts on the system outlined in the last annual report. Three hundred and seventy-one volumes have been made ready for the bindery. Details of the work follow:

*Number of sheets dampened, pressed, repaired, mounted, and folded for binding except where noted **

	Sheets	Volumes
Committee of Safety Minutes, Pennsylvania.....	190	1
Civil Commotion in Florida.....	187	1
Kingsbury Manuscripts.....	601	3
Eustis Manuscripts.....	1, 127	4
Polk Manuscripts.....	23, 000	86

Bolton's Catalogue of Uranium compounds

DIVISION OF MSS:
Publications

Repair of MSS

*Number of sheets dampened, pressed, repaired, mounted, and folded for binding except where noted **—Continued

	Sheets	Volumes
Curry Manuscripts.....	3,376	18
Jamieson Manuscripts.....	5,287	23
Short Manuscripts.....	10,226	52
Johnson Manuscripts.....	24,134	107
Johnson Manuscripts repaired and mounted. Will make 60 vols	*13,646	.....
Continental Congress (Credentials of Delegates).....	120	10
Ledgers	816	10
Washington letters (G.W. Ball collection, not bound). .	* 24	.....
Great Britain—Board of Trade.....	45	1
Washington Manuscripts, vols. 3, 9, 12, 15, 19, 29, 34, 38, 41.....	3,693	9
Repaired for Reading Room.....		38
Repaired for Music Division.....		2
Repaired for Bindery.....		4
Repaired for Office.....		2
	86,472	371

Number of sheets arranged chronologically: Kingsbury, Polk, Eustis, Curry, and Jamieson collections.....	33,391
Number of sheets paged—some by hand and some by machine. 81, 397	
Mounted for exhibition: Stanton manuscripts.....	59
Title pages inserted:	
Crittenden volumes.....	28
Van Buren volumes.....	66
Removed from old binding: Thornton manuscripts.....	122
Soaked from old mounts: Sheets of press copies, Short manu- scripts; very hazardous.....	168
Mounted columns of newspaper photographs.....	24
Number of hours spent doing work for other divisions.....	91

MSS: *Use*

Manuscripts used by readers since last annual report:
Over 70 different collections were consulted, and the use
varied from whole days to weeks at a time.

In order of frequency:

Washington.....	103
East Florida.....	79
British Transcripts and Stevens Index.....	78
Continental Congress.....	57
Navy.....	41

Papers of the Presidents—

Polk.....	32
Johnson.....	30
Van Buren.....	28
Jefferson.....	22
Jackson.....	17
Miscellaneous personal papers.....	30
Stanton.....	29
House of Representatives.....	21
Rochambeau.....	18
Yturbide.....	18
Madison.....	18
Dolly Madison.....	15
Revolution.....	13
Virginia (most consulted of States).....	13

Other collections used from 2 to 10 times each.

DIVISION OF DOCUMENTS

(From the report of the Chief, Mr. Harris)

During the fiscal year ending June 30, 1912, the accessions ^{DOCUMENTS:} _{Accessions} to the Library through the Division of Documents were as follows:

How acquired	Volumes	Pamphlets	Total
Received by virtue of law.....	2,395	1,818	4,213
Gifts of the Government of the United States in all its branches.....	1,137	770	1,907
Gifts of State governments.....	4,442	4,876	9,318
Gifts of local governments.....	1,300	1,066	2,366
Gifts of foreign governments	8,914	2,418	11,332
Gifts of corporations and associations.....	521	949	1,470
By transfer.....	2,307	1,352	3,659
Total to be recorded.....	21,016	13,249	34,265
By purchase, exchange, deposit, and transfer (counted in the Order Division).....	3,923	1,932	5,855
By binding periodicals.....	1,172	.....	1,172
Total handled.....	26,111	15,181	41,292

In addition to the above, 930 maps and charts have been received by official donation.

During the year 8,670 volumes were sent to the bindery.

Among the gifts specially valued are 56 volumes of the Proceedings of the Anthracite coal strike commission of 1903, for which we are indebted to Mr. George F. Baer, president of the Philadelphia & Reading coal & iron co.

The total number of volumes and pamphlets received during the year was 41,292, as compared with 38,988 in the previous year. Emphasis should be placed on the fact that a large part of these accessions were received in response to special want lists and that since many of the foreign governments have now supplied the Library with such material as they have on hand these accessions will probably show a decrease in the future.

DOCUMENTS:
Want lists

During the year special want lists have been sent to the following countries: Argentine Republic, Belgium, Bolivia, Dominion of Canada, Colombia, France and the departmental governments, India, Japan, Province of New Brunswick, Province of Nova Scotia, Province of Ontario, Province of Prince Edward Island, Province of Quebec, Switzerland, Württemberg.

International exchanges

In addition to the regular consignments from the 90 countries on the international exchange list, the following shipments of documents were received in response to special want lists: Argentine Republic, 135 volumes and 1 map; Austria, 117 volumes; Belgium, 20 volumes and pamphlets; Canada and Provinces, 279 volumes and pamphlets; Chile, 70 volumes and pamphlets; France and the departmental governments, 2,598 volumes and pamphlets; Germany, 13 volumes and pamphlets; Italy, 13 volumes and pamphlets; Norway, 393 volumes and pamphlets; Prussia, 221 volumes and 1 map; Uruguay, 26 volumes and pamphlets; Western Australia, 15 volumes and pamphlets and 11 maps; Württemberg, 193 volumes and pamphlets.

A number of changes have occurred in the foreign depositories of sets of United States documents. The formation

of the South African Union led to the abolition of three exchanges, namely, those of Cape Colony, Natal, and the Orange River Colony. New exchanges have been instituted with the Colony of British Guiana and with the local government of Glasgow, Scotland, while negotiations are in progress for the inauguration of a number of additional exchanges.

The work of securing the publications of international organizations—always attended with difficulty—has been given especial attention during the year. In this connection the assistance courteously rendered by the Department of State was of great value. Among the accessions deserving mention are the proceedings of the following organizations: International sugar commission, International opium congress, International navigation congress, International smoke abatement congress, International conference on commercial statistics, International dairy congress, International congress of refrigerating industries, and the Inter-parliamentary union.

The "Monthly list of state publications" continues to be an effective means of securing the official publications of the various states. Since 1901 the receipts of state material have been as follows:

*Monthly list of
state publications*

1901-2.....	2, 162	1907-8.....	4, 128
1902-3.....	1, 589	1908-9.....	3, 554
1903-4.....	1, 023	1909-10.....	6, 386
1904-5.....	2, 812	1910-11.....	7, 767
1905-6.....	3, 884	1911-12.....	9, 318
1906-7.....	3, 245		

Nearly all of the state material received during 1911-12 consisted of current issues, and since a large part of it is published in serial form the amount of labor now required for the handling of this material is much greater than was the case when the receipts were largely composed of back volumes received in response to want lists.

During the year four special collections have been made in order to supply information on subjects of particular interest. As the federal government and 11 states had

special commissions at work in 1911 investigating the question of industrial accidents and their compensation, this division made an effort to collect all the American official material on this subject, and it is believed that the library now possesses a collection of unusual value on this subject. A second special collection which has been made consists of pamphlet copies or compilations of the election laws of the States, especially the laws regulating primary elections. At the suggestion of this division, the Order division has made a collection of the constitutions and statutes of all the political party organizations of which the addresses of the officers could be ascertained. The Order division has also made a collection of the annual and special reports of large industrial corporations, while the Law division has collected the briefs and other records of the cases in which industrial corporations have been dissolved by the courts.

DOCUMENTS:

*Exploitation of
the Library's col-
lections*

As in the preceding year, the principal part of the Division's work in the exploitation of the library's resources consists of the publication of the "Monthly list of state publications." During 1911 the index for the first year (1910) was published, while a systematic effort has been made to collect and note in the list the publications of the organizations of State officials which have become so numerous in recent years. The service which the list is rendering continues to receive favorable attention from a wide variety of sources, and at the Ottawa meeting of the National association of State librarians frequent references were made to the great value of the list.

The Division of Documents has rendered special assistance to the Division of Bibliography in the preparation of lists of references on the subjects of "Employers' liability and workmen's compensation" and "Cost of living and prices." Assistance was also rendered in the preparation of a bibliography on "Industrial hygiene," published by the American association for labor legislation. A de-

scriptive account of the important recent official investigations on the subject of the Cost of living, with bibliographical notes, was prepared by the Chief of the division and published in the American economic review.

In connection with the annual meeting of the American economic association, American association for labor legislation, American statistical association, and the American sociological society, held at Washington in December, 1911, a special exhibit of American official publications on Employers' liability and Workmen's compensation was held by this division. This subject was one of the topics for discussion at this convention, and practically all of the large number of specialists in attendance visited the exhibit.

The Chief of the division attended the annual conference of the National municipal league at Richmond in November, 1911, for the purpose of cooperating with the Committee on Municipal legislative reference libraries. At this meeting plans were made for the exchange of information and for cooperation in research work on subjects relating to municipal government.

LAW LIBRARY

(From the report of the Law Librarian, Mr. Borchard)

The accessions during the year were as follows:

How acquired	1910-11		1911-12	
	Main Library	Conference Library	Main Library	Conference Library
By copyright.....	1,282	.....	1,634	.....
By gift and transfer.....	1,408	73	1,542	116
By purchase.....	3,755	312	3,501	262
Total.....	6,445	385	6,677	378
Total accessions.....	6,830		7,055	
Total contents of Law Library.....	144,889		151,944	

The most noteworthy accessions have been:

RHODE ISLAND. Acts and resolves, October, 1699, to August 2, 1747 (in manuscript).

AUSTRIA: Manzsche taschenausgabe der österreichischen gesetze (latest editions), 1903-1912. 30 vol. in 40; Sammlung von entscheidungen zum handels-gesetzbuche. Von. L. Adler & R. Clemens. 1891-1910. 13 vol. Lower Austria. Sammlung der gesetze, 1819-1842, 24 vol. Moravia. Sammlung der politischen gesetze und verordnungen, 1819-1848, 30 vol. Landesgesetz u. regierungsblatt, 1849-1867, 19 vol. Salzburg. Landesgesetz u. regierungsblatt, 1850-1859, 1889-1910, 32 vol. Styria. Provinzial-gesetzesammlung, 1819-1838, 20 vol. Allgemeines landes-gesetzbuch, 1850-1859, 10 vol. Tyrol & Vorarlberg. Provinzial-gesetzesammlung, 1814-1825, 1828-1831, and index, 1814-1825, 17 vol. Upper Austria. Landesgesetzbuch, 1850-1853, 4 vol.

DENMARK: Kongelige rescripter, resolutioner, 1660-1870, 46 vol.

GERMANY: Fechner, K. H. Fechner's gesetzgebungs-bibliothek . . . Wilmersdorf-Berlin, Fechner. . . , 1909-1911. 10 vol. in 16. Bavaria. Neue gesetz- u. verordnungen-sammlung. . . Von Karl Weber. 1594-1905. Nördlingen, München, C. H. Beck, 1880-1908. 33 vol. and 3 indexes. Regierungs-blatt . . . 1801-1873, 75 vol. Sammlung der im gebiete der inneren staats-verwaltung. . . bestehenden verordnungen. . . von G. Döllinger. München, 1835-1837. 21 vol. in 31, and 8 indexes. Sammlung von entscheidungen des . . . Obersten landesgerichts in civil-sachen. 1901-1910, 10 vol. Sammlung von entscheidungen des . . . Obersten landesgerichts in straf-sachen. 1902-1910, 9 vol. Sammlung von entscheidungen des . . . Verwaltungsgerichtshofes. 1880-1909. 30 vol. and index. Saxe-Altenburg. Gesetz-sammlung, 1821-1909, 50 vol. and index.

NORWAY: Norsk retstidende, 1836-1903, 69 vol. and 4 indexes.

QUEBEC: Lorimier, C. C. de. La bibliothèque du Code Civil de la Province de Québec . . . Montréal, "La Minerve" . . . 1871-1890, 21 vol.

LAW LIBRARY:
Headings for
subject catalogue

In October of 1911 there was published the "Tentative headings and cross-references for a subject catalogue of American and English law" in 150 pages. The purpose of this book was to bring about a standardization in the subject headings for law text-books in the catalogues of libraries. From reports obtained from law librarians throughout the country an important step in advance has been made. The Association of Law Libraries has appointed a committee of three to cooperate with the Library of Congress, and their suggestions have been helpful in bringing

about a scheme of headings and cross-references that promises to be generally adopted.

The assignment of subject headings to the cards for all ^{Recataloguing} law the new law books and the recataloguing of the collection of textbooks at the Capitol has made steady progress since the 1st of January. The assignment of these subject headings will furnish a considerable stimulus in the extension of the use of the printed cards of the Library to law libraries, many of which have up to this time been without subject catalogues.

The work of recataloguing has necessitated much adjustment and reconciliation between the headings heretofore used for law books in the public catalogue and the complete and homogeneous scheme of subject headings now adopted for the whole field of American and English law.

It will be recalled that last year the Library obtained by exchange with the Department of Justice and the Department of State approximately 2,000 volumes of Session laws, of which about 500 were needed as second and third copies for our collection. A list of the balance of 1,500 volumes, together with the many other duplicate Session laws and State reports already in the Library, was published during the year and issued simultaneously with a "Want list" of our Session laws and State reports, copies of both lists being sent to law libraries and book dealers. This exchange of our duplicates for wants has brought to the Library up to the present time 313 volumes of Session laws and 147 State reports, leaving 897 items of Session laws and 505 State reports (which sometimes includes 2 or 3 copies of a particular volume) still needed to complete the three sets of our collection.

During the year complete lists have been prepared of ^{Trials} trials and uncatalogued colonial laws.

Very considerable additions to the collections on continental law were made during the year. The current legal

*Session laws and
State reports*

Foreign law

literature of the countries of Europe is now well represented in the Library. The collections on Latin-American law still await systematic development, but as the State Department has aided us materially in securing the desired information on the best legal literature in those countries we hope during the coming year to secure the books themselves.

In May, 1912, the first of the Guides to foreign law—the one covering Germany—mentioned in the last annual report was published (226 pages). The rapid sale of the work by the Superintendent of Documents indicates that there was some demand for a publication of this kind. It is hoped to publish the Guides to the law and legal literature of Austria and France before the close of 1913.

Foreign and international law

A special feature of the work of the Law Division during the past two years has been the systematic development of the collection on foreign and international law. The rapid growth in the extent and frequency of international intercourse has awakened an ever-increasing demand for a knowledge of foreign law—on the part of lawyers, to ascertain the existing rules of law under which individuals in foreign countries are born, marry, die, and enter into the manifold legal relations of modern life; on the part of legislators, to ascertain the methods adopted abroad to solve the social and economic problems of the day; and finally, on the part of jurists, to profit by the contributions of foreign scholars to the development of juristic thought.

The selection of the best literature has been made with the expert advice of those most competent in each country to give it—teachers of law, practitioners, and judges—and the development of the collection is in large part due to their courteous aid. In Latin America the services of the State Department were of material assistance in securing the cooperation of lawyers in those countries.

It seems fitting that we should acknowledge the helpful services, for their respective countries, of the following gentlemen:

Argentine Republic—Señor Javier M. Garramuño of San Juan.

Austria-Hungary—Prof. Karl Adler of Czernowitz University; Prof. Stanislaus Dniestrzanski of Lemberg University (Polish and Ruthenish legal literature); Mr. Ferenczi Zoltán, Librarian at the University of Budapest; Dr. A. Fischer-Colbrie and Dr. A. de Griez of Vienna; Prof. Heinrich Lammasch, Aulic Counsellor, President of the Hague Court of Arbitration in the Fisheries and Orinoco steamship cases, Vienna; Prof. Emil Pfersche of Prague University; Prof. Josef Redlich of the University at Vienna; Dr. Josef Stammhammer of Vienna.

Belgium—Dr. H. de Boelpaepe and Dr. G. de Leval of Brussels.

Bolivia—Dr. Bautista Saavedra of La Paz.

Bulgaria—Prof. S. Anghelov of the University of Sophia.

Canada—Prof. Archibald McGoun, of McGill University, Montreal.

Ceylon—Mr. P. Arunachalam, Registrar General of Ceylon, Colombo.

Colombia—Señor Clímaco Calderon of Bogota.

Costa Rica—Señor Manuel Aragon, Comptroller of the Currency and Chief of the Bureau of statistics, San José; Señor Horacio Castro of Port Limón.

Cuba—Señor Emilio del Real of Cienfuegos.

Denmark—Dr. William R. Angelo of Copenhagen; Profs. H. Jorgensen and A. Torp of the University of Copenhagen.

Dominican Republic—M. Emilio Prud'homme of Puerto Plata.

Egypt—Prof. Henri Lamba of the Khedivale law school at Cairo, Minister of Public Instruction.

France—M. F. Allain, Mr. C. F. Beach, Dr. Edouard Clunet and M. Maurice Dewavrin of Paris; Prof. Octave Flurer, Dean of the Law Faculty at the University of Lyon; M. G. Lecarpentier of Paris; Prof. Paul Viollet of the University of Paris.

Germany—Prof. Karl von Amira of Munich; Dr. Ernst Delaquis and Dr. Konrad Gutmann of Berlin; Dr. Kaiser of Dresden; Prof. Kohler of the University of Berlin (on Papyrian literature); Dr. Georg Maas of Berlin; Prof. Ludwig Mitteis of Leipzig; Dr. C. Neukirch of Frankfurt; Dr. S. Salzburg of Dresden; Prof. Karl Schulz, Law Librarian of the Supreme Court of Germany, Leipzig; Dr. K. Veit of Munich.

Guatemala—Minister of Foreign Affairs at Guatemala.

Haiti—M. Auguste Bonamy, Chief Justice of the Court of Cassation, Port-au-Prince.

Honduras—Dr. Romulo Duron, Rector of the University of Honduras, Tegucigalpa.

Iceland—Prof. K. Berlin of the University of Copenhagen.

Italy—Dr. Luigi Ansbacher of Milan; Prof. Cesare Bertolini, Dean of the Law Faculty, University of Turin; Dr. E. Crespi of Milan; Prof. Gino Dallari, Dean of the Law Faculty, University of Siena; Dr. G. Diena and Dr. Bizio Gradengo of Venice; Prof. Pasquale Fiore of the University of Naples; Sr. Ferruccio Foa of Milan; Prof. Ulisse Manara of the University of Genoa; Sr. Enea Noseda, District Attorney, Milan; Dr. Sacerdoti of Venice; Sr. Ernesto Tamanti of Milan.

Mexico—Señor Leonardo Chapa, Chief Justice of the Supreme court, State of Nuevo Leon; Señor Salvador Fernandez of Durango; Señor Alberto Iriarte of Guadalajara.

Monaco—Baron Hector de Rolland, Chief Justice of the Court of Appeals, Monaco.

Netherlands—Justice S. Gratama of the Supreme Court of Holland, Mr. Trip, and Mr. Woltenbeek Müller, all of the Hague.

New Zealand—Mr. William Eichelbaum of Wellington.

Nicaragua—Señor J. A. Urtecho, Minister of Foreign Affairs, Managua.

Norway—Dr. F.V.N. Beichmann, Chief Justice of the Supreme court of Norway, Drontheim; Dr. Francis Hagerup, Minister Plenipotentiary of Norway, Copenhagen; Prof. Bredo Morgenstierne of the University of Christiania.

Panama—Dr. Belisario Porras, President-Elect of Panama; Señor Eduardo Chiari, Minister of Foreign Affairs, Panama; Dr. Ricardo J. Alfaro of Panama.

Paraguay—Mr. Cornelius Ferris, Jr., American consul at Asuncion.

Peru—Dr. Luis Felipe Villarán of Lima.

Portugal—M. Antonio Mesquita de Figueireda of Lisbon.

Russia—Prof. Petr. Jeogeniević Kazanskij, Dean of the Law Faculty, University of Odessa; Justizrat Dr. Klibanski of Berlin; Dr. von Veh of Berlin; Mr. Isaac Hourwich, Bureau of the Census, Washington, D. C.

Siam—M. Georges Padoux, French Minister Plenipotentiary and Legal Counsellor to Siam.

Spain—Prof. Gerardo Berjano y Escobar, Dean of the Faculty of Law at the University of Oviedo; Mr. Frank Feuille of Austin, Tex.; Señor Sanchez de Ocaña of the Ministry of Justice, Madrid; Prof. Manuel Torres y Campos of the University of Granada.

Switzerland—Prof. E. Huber and Dr. Koenig of Berne; Dr. A. Letsch of Zurich; Prof. Martin of Geneva; Prof. F. Meili of Zurich; M. Paul Privat and Prof. Reyfous of Geneva; Dr. E. Schneeli and Dr. G. Wettstein of Zurich.

Trinidad—Mr. William Grell, Honorary Secretary of the Bar Association of Trinidad.

Turkey—Dr. A. Tarica of Smyrna.

Uruguay—Prof. José A. de Freitas, Dean of the Law Faculty, University of Montevideo.

Venezuela—Dr. José Gil Fortoul, Minister of Public Instruction, Caracas.

A further step in the undertaking is the publication of guides to foreign law, the purpose of which is to furnish the

investigator not only with an introduction to the legal system prevailing in the country under discussion, but also to aid him in finding the law on a specific subject, with a critical discussion of the literature. Up to the present time only the "Guide to the law and legal literature of Germany" has been issued. It is hoped to continue the publication of these guides at intervals of about nine months. Guides to the law and legal literature of France, Austria, Italy, and Spain, in the order named, are now contemplated and will soon be in preparation.

DIVISION OF MAPS AND CHARTS

(From the report of the Chief, Mr. Phillips)

The following tables, A and B, respectively, show the number of accessions for the year, and the total number of pieces in the Map Division:

MAPS AND
CHARTS:
Accessions

TABLE A—*Accessions, July 1, 1911, to June 30, 1912*

Description	Copyright	Purchase	Gift	Transfer	Exchange	Total
Sheet maps, including pocket maps..	2,180	90	2,527	41	26	4,864
Atlases.....	77	134	40	5	.....	256
Manuscripts.....	.....	7	.....	.....	.....	7
Views.....	25	8	7	10	.....	50
Total.....	2,282	239	2,574	56	26	5,177

TABLE B—*Total number of pieces in Map Division, June 30, 1912*

Description	June 30, 1911	Accessions 1912	Total
Sheet maps, including pocket maps.....	117,747	4,864	122,611
Atlases.....	4,764	256	5,020
Manuscripts.....	372	7	379
Views.....	1,063	50	1,113
Total.....	123,946	5,177	129,123

The preceding tables do not include the total number of sheets in the Sanborn insurance collection, the British Ordnance survey, and the Egyptian survey, which number as follows:

Description	Accessions 1911-12	Total
Sanborn insurance maps.	1,027 maps in 12,923 sheets.	22,986 maps in 204,423 sheets.
Ordnance Survey.....	.....	16,521 sheets.
Egyptian Survey.....	.....	22,660 sheets.

The second copies of all copyright maps have been received from the Copyright Office and have been arranged and classified for use. The second copies of the Sanborn insurance map sheets so forwarded number 92,000. All these sheets have been arranged in packages by states subdivided into cities and can be readily found for examination.

The most important reproduction of material was of "A collection of plans, etc., in the Province of New Jersey" [1776-1782], 2 p. l., 20 maps on 15 l., described in full in the "List of Geographical Atlases," title 1339. It was copied by the photostat process, a duplicate being made for the use of this division in order to save the original.

No rare material worthy of notice has been received during the year except some manuscript maps and reproductions made by Johann Georg Kohl, transferred by the United States Coast and Geodetic Survey. These maps were received too late to describe in the body of the work relating to the Lowery collection, but were found so pertinent to the subject that a list was given in the "Prefatory note" to that work and properly indexed in the general index.

The monograph on the Lowery collection is now ready for distribution. One hundred and eighty-two maps listed by Lowery are neither in the Library of Congress nor the Lowery

collection. Efforts are now being made to fill in these gaps. This work from a bibliographical point of view is most comprehensive, as not only extensive notes are given but also an author list, title list, and general index.

List of geographical atlases The third volume to the "List of Geographical Atlases" is in press. This describes 829 additional atlases received since the publication of the original work in 1909. Several most important atlases are fully described, such as the Lafreri, 1575?, the first Latin edition of Ortelius, 1570, known as the "20th of May edition," the Spanish edition of Ortelius, 1602, the English edition of Ortelius, 1606, Visscher's *Atlas Contractus*, 1666?, a magnificent collection of maps by Johannes Cōvens and Cornelis Mortier, in 9 volumes, 1682-1761, and the 1661 edition of Robert Dudley's (Duke of Northumberland) *Dell' Arcano del Mare*.

Of this "List," Sir Herbert George Fordham in his article entitled "Descriptive catalogues of maps," has this to say:

I think it would be well if complete atlases were separately catalogued in all libraries. The recent publication of the List of Geographical Atlases in the Library of Congress is a work of great interest in this connection. If the British Museum could publish a similar catalogue of the atlases in its collection, it would, I think, be of great value

If the British Museum and the Bibliothèque Nationale would each publish a list of atlases on the lines of that of the Library of Congress, the light thrown on the bibliographical side of this subject would be really very important.

List of manuscript maps A volume now in preparation and considerably advanced is a description of the collection of manuscript maps relating to America. Every effort will be made to identify the purpose for which these maps were made, and gain information relating to the author, historical notes, and watermarks. A copious index will be added. In this description the Revolutionary War maps of Faden, Rochambeau, Howe, Montresor and others will make an interesting showing.

List of maps of Washington There is also in preparation a revised edition with many additions of the "Washington List" which has been considerably used by the Government in local land disputes.

In regard to the comparative size of our collection and its equipment I here quote from an article by an Englishman, which is of interest:

Another very important collection is that of the Library of MAPS: Size of collection Congress; it is indeed one of the largest—if not the largest—in the world, numbering, according to the Report of the Librarian of Congress for 1909, over 106,000 sheets. From 1897, the year of the establishment of the map branch as a separate department of the Library of Congress, until recently, the collection was stored entirely in drawers similar to those used by the Royal Geographical Society; substituting, however, for the usual immovable drawer front a wooden flap which swings up automatically as the drawer is opened. This device enables the contents of the drawer to be drawn out without lifting. Within the last few months steel map cases have been introduced, containing at present over 2,750 drawers. These have the advantage of being fire-proof, and practically impervious to dust. The maps are all classified by geographical divisions, so that their arrangement constitutes an index by which any particular map can be readily found. It is not suggested that in any general libraries the necessity will arise for map accommodation of so elaborate a character as that provided at the Library of Congress or by the Royal Geographical Society, but in the case of those libraries which appreciate the value of maps, and endeavour to make some provision of that nature, useful hints as to the best methods of storage may be derived by observing the practice of these great institutions."

[In Jackson, C. Parry. Maps: their value, provision, and storage. Paper read before the Library assistants' association [London] . . . The Library assistant, London, 1911. v. 8, no. 10, p. 189]

The cataloguing of the general collection of miscellaneous maps will shortly commence. This work was postponed until all the atlases were catalogued. In pursuing it the immense collection of "separates" found in all library collections of maps will be passed over, as such "separates," mostly taken from atlases, have been described fully in the work entitled "List of Geographical Atlases." Although it is well to have these "separates" to fill in a geographical sequence and to complete the atlases too often imperfect, the saving of labor in ignoring them in cataloguing will be great.

DIVISION OF MUSIC

(From the report of the Chief, Mr. Sonneck)

Accessions of the Music Division for the fiscal year ending June 30, 1912

	Copy-right	Gift	Pur-chase	Exchange	Transfer	Other	Total
Music.....	25, 200	57	2, 406	5	1 5, 953	1	33, 622
Literature of music.....	558	92	1, 177	1	55	15	1, 898
Instruction....	1, 001	59	149	.....	19	.....	1, 228
Total..	26, 759	208	3, 732	6	6, 027	16	36, 748

¹ Includes 5,929 volumes and pieces marked "Reserve storage" (5,505) respectively, "Second copies" (424), copyrighted from January, 1909, to June 30, 1909, and transferred from Copyright Office to Music Division.

Contents of the Music Division at the close of the fiscal year, June 30, 1912

Music:

The division contained up to June 30, 1911, vol- umes and pieces.....	554, 417
Accessions during the fiscal year numbered, vol- umes and pieces.....	33, 622

Total on June 30, 1912..... 588, 039

Literature of music:

The division contained up to June 30, 1911, vol- umes, pamphlets, etc.....	24, 942
Accessions during the fiscal year numbered.....	1, 898

Total on June 30, 1912..... 26, 840

Instruction:

The division contained up to June 30, 1911, vol- umes and pieces.....	13, 767
Accessions during the fiscal year numbered.....	1, 228

Total on June 30, 1912..... 14, 995

Grand total, volumes, pamphlets, etc..... 629, 874

DIVISION OF MU-

SIC:
Equipment

Shortly before the expiration of this fiscal year the steel stack in the basement below the Music Division was finished. It is to house the music now temporarily located on deck 9. Its capacity is 1,830 adjustable standard music shelves (16 x 13½ x 35½ inches), or a net gain of 600 shelves over the space now occupied on deck 9. As the capacity of the Music

Division proper is 2,450 standard music shelves, the total capacity of ground floor and basement stacks is 4,280 shelves. Therewith the problem of shelving the huge and rapidly growing collection of music seems to be solved for at least ten years.

The accessions during the past fiscal year amounted to ^{MUSIC:} *Accessions* 36,748 volumes, pamphlets, and pieces (Music, 33,622; Literature of Music, 1,898; Musical Instruction, 1,228). This total includes 1,008 "Second copies" and 16,932 volumes and pieces marked "Reserve storage." The latter consists of minor copyright deposits not shelved by class in the main music collection but stored separately for the use of readers by copyright number. The "Second copies" (kept to facilitate home and inter-library-loan circulation and for purposes of exchange, etc.) are arranged by composers. Of the "Reserve storage" material 11,427 items were copyrighted during the fiscal year 1912, the remaining 5,505 were copyrighted during the fiscal year 1909 (Jan. 1-June 30, 1909) and were transferred from the Copyright Office archives to the Music Division. Similarly, of the 1,008 "Second copies," 424 were copyright deposits of the fiscal year 1909 (Jan. 1-June 30, 1909) now transferred to the Music Division.

It is the intention to continue this work of transfer of "Reserve storage" material and "Second copies" by working through the deposits still in the Copyright Office that were copyrighted prior to January 1, 1909.

Of the above 1,228 volumes, pamphlets, and pieces accessioned and classified with MT (Musical Instruction) ca. 1,000 are estimated as being music.

The catalogues of chamber music, vocal scores of opera, etc., are not yet in a condition to warrant even tentative plans of publication. ^{DIVISION OF MUSIC:} *Publications*

The only publication issued by the Music Division was the "Catalogue of orchestral scores," a volume of 663

pages with considerably more than 3,000 entries. (See "Publications" *infra*.) The publication of Miss Julia Gregory's "Catalogue of early books on music," which was ready for the printer early in the calendar year, had to be postponed. The manuscript went to the printer on July 1, 1912, and the book may be expected to leave the press early in the calendar year 1913. A revised edition of the classification scheme adopted December, 1902, for use in the Music Division is ready for the printer. The complicated bibliography of first editions of Edward Mac Dowell's music, on which the chief of the Music Division has been working for several years, will be ready for publication the moment the comparatively few but very scarce first editions that are still wanting in our collection happen to come into the Library's possession. The previously announced "Catalogue of full scores of dramatic music," in a revised and much more elaborate form than the edition of 1908, will not be published before completion of the opera transcript project in about two or three years.

Librettos

A work of more than ordinary dimensions, importance, and cost is the first part of a comprehensive Catalogue of Opera Librettos in the Library, which the chief of the division undertook to prepare *manu propria* soon after the purchase of the Albert Schatz collection. This first part comprises the seventeenth and eighteenth century librettos only. It comprises those in the Albert Schatz collection proper and all other early librettos in the Music Division as well as those in the Longe and other collections not in custody of the Music Division. The number finished reaches about 6,000. There remain to be done about 500 in the Longe and other collections. There also remain to be done the author and composer indexes (the catalogue proper is by title) of several hundred librettos otherwise catalogued. Without unforeseen interruption the whole catalogue is expected to be ready for the printer about January 1, 1913.

When published, this catalogue will constitute the first work of its kind, with the single exception of Wotquenne's sumptuous catalogue of seventeenth century Italian librettos in the Brussels Royal Conservatory.

Its usefulness will go far beyond that of the conventional catalogue, since it abounds in information of many kinds. Not only will it give (on the basis mostly of the Schatz manuscript opera dictionary) composer, author, date, and place of first performance, but also many quotations from the dedications, prefaces, etc., of remarks that throw light on the history of the particular text or its musical setting or on the technique of the author.

It continues to be our policy not to compete with private <sup>MUSIC:
GIFTS</sup> collectors and public institutions abroad in the acquisition of costly autograph scores of European composers. Our duties lie nearer home in the preservation of the manuscripts of American composers in this our own National Library. But preservation presupposes possession, and the Library of Congress under present conditions must and prefers to rely on the generous sympathy of public spirited composers, their heirs, publishers, and collectors, with these ideals. No systematic appeal has yet been made in this direction—we are still feeling our way in a matter delicate as it is important—but our occasional appeals have again borne fruit without exception. "I am more than glad to contribute my mite," wrote Horatio Parker when presenting the autograph score of his organ concerto, op. 55, and depositing with us the autograph score of that work of his which for many years has represented American musical art at its best—"Hora Novissima." In a similar spirit Leo R. Lewis gave to the Library the autograph score of one of his most characteristic works, the anthem "Rejoice, O ye righteous," and the Library has promises of similar gifts from such well-known composers as Albert A. Stanley, Rossetter G. Cole, Louis A. Coerne, and George C. Gow.

Schirmer musical MSS Mr. Rudolph E. Schirmer, head of the publishing firm of G. Schirmer, New York, made the generous offer to transfer selected original manuscripts from the firm's archives to the Library of Congress. The extent of Mr. Schirmer's interest will best appear by a quotation from his letter accompanying the gift: "I had collected quite a large amount of material, but when I came to examine it, found that the composers had had their original manuscript copied, and that they had forwarded to us the copy, retaining the original. For this reason I am not able to send you certain things that might have formed a valuable addition to the collection." (Incidentally this letter reveals one of the main difficulties in obtaining manuscripts, even by gift. Indeed, occasionally neither publisher nor composer has knowledge of the whereabouts of coveted manuscripts.) While sharing Mr. Schirmer's regrets, the Library has every reason to rejoice in this striking array of American masters:

- Dudley Buck: The Triumph of David. Cantata.
G. W. Chadwick: Judith (vocal score).
H. Clough-Leighter: Two lyrics, op. 58.
F. S. Converse: The Mystic trumpeter. Orchestral fantasy, op. 19.
Henry Hadley: Symphony-fantasia, op. 46.
Ch. M. Loeffler: A Pagan poem for orchestra.
William Mason: Scherzo-caprice, op. 52.
Edward MacDowell: "From an old garden," six songs, op. 26.
Ethelbert Nevin: Serenade (song).
Horatio Parker: King Gorm the grim, op. 64.
Ernest Schelling: Symphonische legende.

Edwards' MSS Of singular importance, because the first of its kind, was the gift of Mrs. Julian Edwards, the widow of the distinguished composer who died September 5, 1910. On a visit to the Library of Congress a few years ago Mr. Edwards decided that the National Library of his adopted country should be the permanent resting place of his manuscript

scores. Mrs. Edwards was in hearty accord with this plan of a memorial, and it was carried out in that lovable spirit which was so characteristic of Julian Edwards. Thus far the following autograph scores of operas have been transferred to the Library of Congress and these titles alone suffice to recall to the memory of the reader the many hours of musical pleasure which Julian Edwards's sunny, joyful art gave to his contemporaries:

- The Belle of London town (Springfield, Mass., 1906).
- Brian Boru (Baltimore, 1896).
- Dolly Varden (Toronto, 1901).
- The Gay musician (Baltimore, 1908).
- Girl and Governor (Baltimore, 1906).
- Jupiter (Washington, D. C., 1892).
- The Jolly musketeer (New Britain, 1898).
- King Réne's daughter (New York City, 1893).
- Love's lottery (Detroit, 1904).
- Madelaine, or The magic kiss (Boston, 1894).
- Princess Chic (Wilkes-Barre, Pa., 1899).
- The Wedding day (New York City, 1897).
- When Johnny comes marching home (Detroit, 1902).

But these operas represent only the best-known phase of Julian Edwards's career. It is not so well known to the general public that his talent and skill went hand in hand to produce also cantatas of equal merit, just as it is not generally known that Julian Edwards was a musician of scholarly taste and a collector of musical rarities. The cantatas are:

- Lazarus (Metropolitan opera house, 1910).
- Lord of light and love (1909).
- The Mermaid (1907).
- The Redeemer (Ocean Grove, 1906).

They, too, form part of Mrs. Julian Edwards's gift, admirable in itself and the more notable because of the example set by a musician who loved his art and therefore respected it.

MUSIC:
Transcripts

The transcribing of the scores of old operas unprocurable in the original or in print has continued, the number added during the year being 67. The list of these includes Agricola's *Il filosofo convinto in amore*; Anfossi's *Li amanti canuti*, *La forza delle donne*, *Il matrimonio per inganno*; Badia's *La Psiche*; Bernasconi's *La Clemenza di Tito*; Bianchi's *La vendetta di Nino*; Bontempi and Peranda's *Dafne*; Buononcini's *Endimione*; Farinelli's *Attila*, *La Giulietta*; Feo's *L'Arsace*; Fux's *Elisa*; Galuppi's *Alessandro nell'Indie*, *La calamita de' cuori*, *Issipile*, *Li tre amanti ridicoli*; Gluck's *La Semiramide riconosciuta*; Gossec's *Philémon et Baucis*; Graun's *Ifigenia in Aulide*, *Merope*, *Semiramide*; Graupner's *Dido*; Hiller's *Lisuart und Dariolette*, *Lottchen am Hofe*; Himmel's *Fanchon, das leyermaedchen*; Insanguine's *Lo Fumacco revotato*; Kauer's *Donauweibchen* (I. Theil); Keiser's *Janus*, *Massaniello furioso*; Klein's *Dido*; Kunzen's *Das fest der winzer*; Leonardo Leo's *L'ambizione delusa*, *La simpatica del sangue*; Logroscino's *Leandro* (Terzetto); Lotti's *Costantino*, *Giove in Argo*; Mayr's *Gli Americani*, *Elisa*; Müller's *Der Alpenkoenig und der menschenfeind*; Pagliardi's *Il Numa Pompilio*; Pallavicino's *Il Gallieno*; Pergolesi's *Il geloso schernito*; Perti's *La Rosaura*; Porpora's *Meride e Selinunte*; Portogallo's *Le donne cambiate*, *La donna di genio volubile*; Reichardt's *Jery und Bately*; Sacchini's *Lucio Vero*; Sarro's *Armide al campo*; Sarti's *La figlia ricoperata*; Schürmann's *Ixion*; Smith's *Issipile*, Spohr's *Berggeist*, *Kreuzfahrer*; Steffani's *Henrico Leone*, *Le rivali concordi*; Vinci's *Ginevra*, *Partenope*; Vogler's *Castore e Poluccie*; Winter's *Maometto*; Zingarelli's *Giulietta e Romeo*.

MUSIC:
Purchases

The organic development of the collections has continued uninterruptedly as planned; but opportunities for the acquisition of important individual works outside of our main course were taken advantage of, as shown by the following list of notable additions: Agricola's *Musica choralis deudsch*,

1533, *Musica instrumetalis deudsch*, 1530, and *Rudimenta musices*, 1539; Bernier's *Les nuits de Scœaux*, 1715; Blangini's *Trajano in Dacio*, 1814 (autograph score); Cadeac's *Missae tres*, 1558, and Cadeac, Herrissant, and Samin's *Missae tres*, 1558; Calliope or English harmony, London, 1737-46; Certon's *Missae tres*, 1558, *Missa ad imitationem moduli*, 1558, *Missa pro defunctis*, 1558; Cipriano de Rore's *Il primo libro delle fiamma, vaghi et dilettevoli madrigali*, Vineggia, 1576; Clio and Euterpe, London, 1762-75; Colin de Blamont's *Cantates françoises*, 1727; Croce's Six sonatas, London, Fougé, [1769?]; *The Dancing-Master*, 1698; *An Essay for the further improvement of dancing*, 1711; Faber's *Musices practicae erotematum libri II* [1553]; Farmer's *The first set of English madrigals to foure voices*, 1599; Feuillet's *Recueil de dances*, 1704; Forqueray's *Pièces de viole*, 172- (transcript); Gibert's *Mélange musical*, Paris [17-]; Goetting's *Compendium musicæ modulativæ*, 1587; Haye's *The art of composing music*, 1751; Heyden's *De arte canendi*, 1540; Hotteterre's *Pièces pour la flute*, Livr. I, 1708; Keinspeck's *Liliū musice plane*, 1506; Krause's *Lieder der Deutschen mit melodien*, 1767-1768 (complete); La Lande's *Motets*, 1729 (livres 1-3, 6, 11, 13, 15); Lampadius' *Compendium musices*, 1554, Locatelli's *Concerti grossi*, Amsterdam [1721]; Luca da Marenzio's *Primo libro de madrigali a sei voci*, Venice, 1596 (Alto and tenor wanting); MacDowell's *Drei Lieder*, op. 11, and *Zwei Lieder*, op. 12 (autographs); Masciti's *Solos for a violin*, London, [170-]; Mendelssohn's *Symphony*, op. 56 (Score with autograph corrections and dedication to J. Moscheles); *The Muses delight*, Liverpool, 1754; *New Ayres and dialogues composed for voices and viola*, 1678; Otto Nicolai's *Zelters 'geburtstag (a capella chorus, autograph, 1833)*; *Novum et insigne opus musicum I-III*, 1558-59 (Complete set of parts. *Comp.* Eitner, *Sammelwerke*); Prinner's *Musicalischer Schlissl*, 1677 (autograph); Purcell's *Sonnatas of III*

parts, 1683; Purcell's *Te Deum & Jubilate*, 1697; Purcell-Arne's *The songs . . . in the masque of King Arthur*, London, Johnston [17-. 1st ed.]; Reichardt's Goethe's lieder, etc., 1809 (4 v.); Schillings' *Ingwelde* and *Moloch* (full scores); Schlick's *Exercitatio*, 1588; Senaillié's *Sonates*, 1727; Sermisy's *Missae tres*, 1558; Sermisy, Maillard, and Goudimel's *Missae tres*, 1558; Sperontes' *Singende Muse an der Pleisse*, Leipzig, 1747 (4th ed.), 1742-1745; Taubman's *An heroick poem*, 1682; *Thesaurus musicus*, Noribergae, 1654, Tom. I-V (complete); Venceslaus Philomathes' *Musiconum libri quatuor*, 1523; Vivaldi's *La Cetra*, op. 9 [172-] and *Il cimento*, op. 8 [172-]; Vogelsang's *Musicae rudimenta* (1542); E. D. Wagner's "Sie sollen ihn nicht haben" (autograph); Rob. Woodcock's XII concertos in 8 parts, [17-].

Finally should be mentioned a remarkable collection of autograph scores of Peter Ritter (1763-1846) embracing most of his important works, and a still more remarkable collection of about 50 full scores of scarce French operas and opéra-ballets from the late seventeenth and early eighteenth century.

PERIODICAL DIVISION

(From the report of the Acting Chief, Mr. Ingram)

The following comparative table, covering the past six years, shows the accessions of serials from various sources:

How acquired	1907	1908	1909	1910	1911	1912
Gifts and transfers	5,016	5,647	6,051	6,548	7,072	7,556
Copyright	2,342	2,594	2,751	3,137	3,369	3,563
Subscription	1,405	1,468	1,541	1,599	1,641	1,711
Smithsonian deposit . . .	2,883	3,119	3,254	3,456	3,665	3,824
Total (titles, not volumes)	11,646	12,828	13,597	14,740	15,747	16,654

New titles added: Copyright, 194; gift, 484; subscription, 70; Smithsonian deposit, 159; total, 907.

Periodicals checked: (items) 130,488; Periodical Division Office Catalogue, volumes added, 4,916.

6,596 volumes of newspapers and 14,546 volumes of periodicals have been served to readers during this fiscal year.

During the year the work on the Check list of American eighteenth century newspapers in the Library of Congress was brought to a conclusion, and the manuscript is now in the hands of the printer. Some progress also has been made on the Check list of American nineteenth century newspapers, but not sufficient to warrant a belief that it will be finished during the year 1912-13. Considerable progress was made on the preparation of a Check list of American eighteenth century magazines, and this we hope to complete during the coming year.

The last of the newspapers that were shelved in the cellar have been moved into the southeast stack, greatly expediting the service of them to the Reading Room and to Congress and considerably reducing the labor of such service.

DIVISION OF PRINTS

(From the report of the Chief, Mr. A. J. Parsons)

The increase in the collection of prints has been:

By copyright	9,224
By purchase.....	936
By gift.....	449
By transfer.....	121
By exchange.....	I
	—
	10,731

The collection of prints now numbers 349,745.

The most important purchases of the year have been:

1. Collection of eight hundred photographs of English, German, and Italian monuments.

PRINTS:
Purchases

2. Thirteen etchings and colored mezzotints by contemporary English and French artists.
3. Sixty-four photographs on colonial architecture.
4. Fifty-three reproductions, in color, of the works of the great masters, old and modern.

PRINTS;
Gifts

There were a number of valuable gifts during the year:

1. An important gift was a collection of 107 prints by the Austrian Government. It comprises a part of the publications of the Royal printing press of Vienna, and covers all the processes of reproductions. Included also are original etchings and engravings representing the most important artists of the Austrian school. The colored stipple engravings by Francesco Bartolozzi, 1727-1815, and Thomas Burke, 1749-1815, after Joshua Reynolds, Angelica Kauffman, and John Downmann are faithfully reproduced. The wood engravings of the collection form two series: "Die Österreichisch-Ungarische Monarchie in Wort und Bild" and "Ansichten von Wien," the work of contemporary artists such as J. Hrabé, M. Winkelmayer, Leopold Geisbe, W. Hecht, F. Wiegand, and others.

The excellent work of the Royal printing press is shown in the facsimiles of manuscripts, miniatures, etc., from the "Codex Dioscorides," "Hortulus Animae," etc., and in the 24 school charts for the study of natural history in the public schools of Austria. The original etchings by William Unger, 1835-, and Frank Brangwyn, 1867-, are of special interest. The works of the Austrian lithographers, André, Engelhart, Ederer, Friedrich, Kasimer, Moll, Müller, and Barth are of much value to our collection.

2. A notable gift was from the Chief of the Division, Mr. Parsons. It consisted of a collection of 80 prints, and 17 pamphlets and books containing reproductions of the works of Japanese artists.

Among the prints are fifty-two valuable colored etchings by leading contemporary artists such as Bertrand, Champion, Detouche, Helleu, Osterlind, Potter, Raffaëlli, Robbe,

Senseney, Scaramanga, and others, exceedingly useful for both study and exhibition.

3. Twenty-two original drawings, views of Japan, made by Daniel Campbell, of Washington, D. C., while in that country in 1867, presented by Wm. C. Hibbs, Washington, D. C.

4. One hundred and sixty engraved portraits of eminent scientists, and 4 medals, donated by Mrs. H. Carrington Bolton, of Washington, D. C.

5. Thirty-nine book plates by the engraver, Frederick Spenceley, of New York City.

6. Six etchings, views of Rookwood, by C. F. W. Mielatz, the gift of Mrs. M. H. Dodge, of New York City.

The transfers from other departments and divisions PRINTS:
Transfers included:

1. Fifty-eight lithographs and engravings, portraits and historical subjects, from the Smithsonian Institution and the Interior Department.

2. Thirty-two silhouettes from the Manuscripts Division.

3. Twenty-five engraved portraits from the Maps Division.

The following exhibitions were put in place during the Exhibitions year:

1. Selection of ninety-one prints from the collection presented by the Austrian Government, showing the best work of the Royal printing press of Vienna.

2. Cuttings from the Missals and Choral Books, twelfth to the eighteenth century, by Dutch, English, Flemish, German, and Italian scribes. This selection was made from the Thomas F. Richardson collection deposited as a loan in the Library of Congress.

The collection of portraits, lithographs, and Haden etchings were continued on exhibition through the year.

The division has supplied during the year to educational institutions and art classes 16,050 photographs of paintings, sculpture, and architecture. They have all been well cared for and scrupulously returned.

BINDING

The number of books bound was 30,601, as against 31,580 for the preceding year.

By the Library bindery alone 27,278 pieces were bound; the output for the preceding year was 29,529.

In addition, various books from the Chinese collection have been specially treated under the direction of Dr. Fung.

Morocco bindings Of the total of leather bindings, 6,043 bindings were morocco and 8,985 cowhide. As the term "morocco" is used in the market, and as formerly understood in this Library, all of these bindings might be made "half morocco" at no greater cost than this divided binding now amounts to. The cost of the "morocco," so-called, used by us formerly was about \$13 a dozen skins. The grade we now use costs \$48 a dozen. Although nearly all of the Library binding was formerly known as "half morocco," probably no true goatskin of any merit could then be found in the entire output of the bindery. By using cowhide or some similar leather for the miscellaneous ordinary bindings the difference in the appearance of the leathers informs us by mere inspection just what we are using, whether a true goatskin of high grade or a substitute leather.

"Acid free" leathers The question of what kind of leather is the best is not so important as the question of the best tannage and dyeing. Even the despised sheepskin has lasted for several centuries in its ancient tannage. Goatskin does not escape the prevailing destructive methods of leather production but endures the injury better than the other leathers.

The common defects in leather as now usually produced may be summarized as (1) those caused by the effects of mineral acids in the dyeing; (2) those resulting from the use of strong, quick-acting tannins of the catachol group (represented by turwar bark, hemlock bark, etc.) in place of the pyrogallol group (represented by sumach, etc.); (3) those consequent to the thin splitting and buffing of the

leather. Recently certain leathers have appeared in the market guaranteed free from mineral acids and of sound tannage. These leathers the Government Printing Office is trying to secure for us.

The "Proposals for material," lately issued by the Government printing office, pages 5-6, 18-20 ("Preparation of leathers," etc., reprinted from the report of the Committee of the Society of Arts) show the painstaking response to our request for "acid free" leathers.

It happens that materials in stock after trial prove undesirable. For example, the natural colored or "law" cowhide has proven quite unusable this year, and the advice of the jobbers gave us no encouragement for securing a better article in the same line. The green and light brown cowhides are always undesirable in quality. Black of all leathers is undesirable, since this color is often the final result of several unsuccessful dyeings.

CATALOGUING

(From the report of the chief, Mr. Hastings)

The statistical tables appended show that 70,885 volumes have been catalogued and 60,084 volumes recatalogued, making a total of 130,969 volumes catalogued and recatalogued. Although the number of books catalogued during the past year has been exceeded in several previous years, and the number of books recatalogued has been exceeded during one year (1906), the total of books catalogued and recatalogued exceed that of any previous year by about 1,500 volumes.

The ground covered by the recataloguing of the year is substantially as follows:

Art (N): Subclasses completed: Painting (ND), Engraving (NE), Photography (in art) (NF), Decoration and ornament (NK), Periodicals in all subclasses except NK. Entire class N now completed except-

ing some of the folios, some "office" books not shelved with the regular collections, and periodicals in NK.

Literature (PN-PZ): Subclasses practically completed: French literature (PQ), English literature, including work of individual authors, except Chaucer, Shakespeare, and nineteenth century authors, History of German literature, Periodicals in all the subclasses, Society publications.

Plant and animal industry (S): Entire class now completed, excepting seed catalogues and certain other pamphlets and publications of minor importance, bulk of the work having been done during this year.

American and English law (K): Treatises in American and English law in alphabet in Law Library at the Capitol finished through "G."

American history (E, F): Work in outlying subclasses continued: American biography (i. e., biography of those who have influenced American history) carried through H-L. Large collection of Lincolniana closely classified and fully catalogued. Local directories in letter "A" recatalogued. In American politics the Spanish-American material has been finished, and United States politics carried through 1881. In the class "The negro and slavery" the subsection "American negro in general and since slavery" has been completed.

Bibliography (Z): Work in outlying subclasses continued: Writing, autographs, penmanship, type-writing completed. Library reports completed for Austria, Hungary, France, Germany, Italy, Belgium, Holland.

The statement included in my report for last year as to the probable order in which the remaining classes would be recatalogued proved to be substantially correct for the past

year, but needs some modification for the coming years.

The order for 1912-13, 1913-1915 now seems likely to be:

1912-13: Literature (completed).

General treatises on English and American law
(completed).

Military and naval science (completed).

American biography (continued).

1913-14: Theology (begun).

American biography (completed).

Foreign biography (begun).

Collections of statutes and court reports, and
treatises relating to the laws of states and cities
(begun).

1914-15: Theology (completed).

Law (completed).

Other fragments completed, except special collec-
tions, documents, sets and series which have
been passed by in the various classes.

A beginning has been made in recataloguing the general treatises in English and American law. The collection at the Capitol being made up of late editions and standard works that are found also on the shelves of up-to-date law libraries, the printed cards for them are most in demand. Printed cards are already in stock for fully 50 per cent of these, viz., those which have been received by copyright since 1898 or by purchase or gift since 1901. It seemed best therefore to go rapidly through this alphabet and catalogue the remaining books in it, instead of cataloguing at the same time the alphabets of out-of-date treatises and duplicates kept at the Library of Congress, although undoubtedly some loss will result because all of the editions of a book are not handled at the same time.

Only two additional catalogue rules on cards have been printed in the regular numbered series, viz:

Rule 38, Libraries—France.

Rule 39, Regimental histories—United States.

A new series of rules has been started and in this series 23 rules have been issued. These rules relate to points which are peculiar to cataloguing in the Library of Congress or points as to which our practice is still in the experimental stage. They are printed on the flexotype, or in imitation typewriting. They are distributed only to cataloguers in the Library of Congress and to libraries which are supplying copy to be printed at the Library of Congress. Such of these rules as are of general interest should be printed and distributed to all of the subscribing libraries, when they have been tested in practice.

During the year the experiment has been tried of substituting a printed card for the original manuscript card formerly filed in the Second Official catalogue. As the original card contains initials of the cataloguer, tracings, checks, and occasional notes, which it is not practicable to reproduce on the printed card, there is some loss of time in transferring these items to the printed card, and occasionally when an error is discovered on a printed card it is desirable to refer at once to the original manuscript card.

Cooperative catalogue of doctoral dissertations

With the cooperation of the Order Division a plan for handling and cataloguing systematically the doctors' dissertations of American universities has been formulated and is now being tried under the direction of Mr. C. A. Flagg, assistant in charge of the American history section. The circular letters initiating the plan and explaining its essential features are appended.

LIBRARY OF CONGRESS

OFFICE OF THE LIBRARIAN

Washington, May 20, 1912

DEAR SIR: As you are doubtless aware, no general list of American doctoral dissertations has yet been published. The need of such a list is manifest. In 1911 resolutions were passed by the Association of American Universities and several other organizations of educators and librarians recommending that such a list be published by the United States Government.

The Library of Congress has decided to compile and publish, beginning with 1912, an annual list of the printed doctoral

dissertations submitted at the various universities in the United States. As part of the plan, the library will hereafter endeavor to acquire all the theses currently submitted at American universities and print cards for them.

It has seemed to us that the best way to make sure that every such thesis shall reach the Library is to secure the cooperation of the librarian of the university. Would you find it practicable to arrange with those having charge of the distribution of doctors' theses at your university, that a copy of each be supplied to you for transmission to the Library of Congress at the same time that a copy is forwarded to your Library? We hope you will find it practicable to cooperate in this way. If your reply is favorable, the Library of Congress will furnish a supply of franks to be used in transmitting theses; and in return for your assistance we will supply gratis as many copies (not exceeding seven) of the card for each thesis as you may need for your catalogues, and a copy of the annual list.

It seems best to include in the list all dissertations submitted to the graduate departments of American universities by candidates for academic and technical degrees of the doctor's grade, but to exclude theses submitted for professional degrees. Entries will be included for all theses whether published in separate thesis form or not. If published in two or more forms information to that effect will be given. Only the theses actually printed during the calendar year will be included in the list for that year. If the year in which degree was granted differs from imprint date of thesis, this will be indicated. Samples of entries for theses in the list are given on the annexed slip. It seems probable that it will be best to give the full entries in alphabetical arrangement under author, with indexes by university and by subject. It has seemed to us that it would be advantageous to have names and shelfmarks of both libraries appear on the printed card, as shown in annexed sample.

In order that the bibliography of American doctoral dissertations may be adequately covered, the Library of Congress hopes eventually to publish a list of the dissertations published before 1912; the method of procedure being for L. C. to ascertain what theses it has of a given university and then request that university to cooperate in completing the record of its dissertations by supplying the dissertations lacking or, if this be impossible, copy for printed cards covering the same.

Please let me hear from you in regard to the above. We shall be pleased to receive suggestions both as to method of collecting the theses and the form of the list.

Yours very truly

HERBERT PUTNAM
Librarian of Congress

61374°—12—7

LIBRARY OF CONGRESS

OFFICE OF THE LIBRARIAN

Washington, D. C., June 20, 1912

DEAR SIR: Yours in reply to my circular letter of May 20, in regard to list of doctors' theses, has been received, and I thank you for your prompt and cordial offer to assist in carrying out the plan.

I am sending herewith franks to be used in transmitting theses, copies of a form to be used in supplying information, and a card containing suggestions as to method of forwarding theses and use of the form. These printed supplies are tentative only; after some experience with the work, others more effective will be furnished. Suggestions as to improvements in any item of the work will be gladly received.

The compilation of the list for 1912 and details connected therewith will be attended to by Mr. C. A. Flagg, assistant in charge of the American history section of our Catalogue Division.

All correspondence in regard to the work should be addressed to "The Librarian of Congress."

Very truly yours

HERBERT PUTNAM

Librarian of Congress

CLASSIFICATION

(From the report of the Chief Classifier, Mr. Martel)

The number of volumes classified was 110,102 (1910-11, 115,626; 1909-10, 151,727); reclassified, 36,046 (including 2,602 transfers; 1910-11, 44,388, including 5,886 transfers); new accessions, 74,056 (1910-11, 71,238); shelf-listed, 102,141, of which 68,697 were new accessions (1910-11, shelf-listed 97,333; new accessions, 58,831).

The reclassified portion of the Library now contains, in round numbers, 1,178,500¹ distributed as follows: Class A (Polygraphy), 72,500; B-BJ (Philosophy), 12,000; C-D (History, exclusive of America), 107,500; E-F (America), 90,500; G (Geography), 19,500; H-J (Social and political sciences), 277,500; L (Education), 49,500; M (Music), 20,000; N (Fine art), 27,000; P (Language and literature), 75,500; PZ (Fiction in English), 45,000; Q (Science), 125,500; R (Medicine), 42,000; S (Agriculture),

¹ Not including Schatz collection of librettos, 12,065, shelf-listed in Music Division, 1908-9.

42,000; T (Technology), 77,500; U (Military science), 16,000; V (Naval science), 13,500; Z (Bibliography), 65,000; Incunabula, etc., 500.

The arrears have been reduced by the reclassification of American literature, the largest of the remaining sections of class P, and the most important from the standpoint of the reference service and the service of printed catalogue cards. Incidentally it eliminates from the current additions to the unclassified portion of the library one of the subjects most heavily represented among the accessions. Several other sections of class P have been reclassified and shelf-listed, including a considerable number of Slavica from the Hattala collection. Classification schedules have been furnished to the assistants engaged in arranging the Yudin collection, and such directions and explanations given as were requested from time to time. A similar service has been rendered recently to Dr. Fung in connection with the working out of his classification of the Chinese collection. In American history the reclassification has been completed of political history (to 1885), the slavery question, and Negroes in the United States, while biography has advanced from F to L, and includes the Lincoln collection. The new edition of the schedules of this class (E-F), revised and much expanded, is in proof (the first part in page proof) and will be, therefore, shortly available for distribution. The library of the Harvard University department of Landscape Architecture is building up a special collection on that subject and the related one of city planning, and in connection therewith is collaborating with the Library of Congress in the compilation of a bibliography covering that literature. It adopted at the same time the Library of Congress classification, and submitted for suggestion and criticism a plan to develop two special schedules providing more fully for the present and future needs of a great special collection and its use in connection with courses of study. The provisional schemes

Arrears

NAB landscape architecture and NAC city planning evolved by the department in carrying out its plan were found to follow closely Library of Congress forms and methods and left but little room for improvement whether by way of addition or modification. They are being tentatively applied at Harvard, and might easily be substituted by any library using the Library of Congress classification for the corresponding (but much less fully developed) sections of SB and NA, illustrating well the elasticity and adaptability of the schemes.

ORIENTALIA

The collections of the library in oriental literature, as already reported upon, include a good foundation in the literature of Japan and a very considerable collection in the literature of China, the latter due largely to the gifts of the Hon. W. W. Rockhill, now our ambassador at Constantinople, but with a high reputation as a student of Chinese literature and institutions and long experience as a diplomat at Peking. The 10,000 volumes (Chinese), of which the collection consisted a few years ago, were, it will be remembered, notably augmented in 1909 by the gift from the Chinese Government of the great Chinese encyclopedia (*The Tu Shu Tsi Cheng*), comprising over 4,000 (Chinese) volumes.

Until recently, however, the collection remained without attempt at classification or an adequate attempt at a catalogue. A recent fortunate circumstance has, however, caused both to be initiated. This was the presence in Washington and use of the collection by Dr. Hing Kwai Fung, who approached it first in behalf of the Department of Agriculture, seeking early descriptions at first hand by the Chinese themselves of rare plants, which the department is endeavoring to domesticate, became so interested in the collection as a whole and the project of its develop-

ment and utilization that he consented to undertake in our behalf the initial task of classifying and of cataloguing it.

His labors thus far have resulted in a provisional scheme of classification and the exact and scientific cataloguing of over 7,000 volumes (Chinese), embracing the subjects: Agriculture, botany, horticulture, and *materia medica*; also physiographical treatises, etc.

From his report of progress I extract the following:

From August 28, 1911, to July 23, 1912, whenever I found it necessary to use the library, I was authorized by the department to take the opportunity to put the books in order. I classified them and prepared two sets of cards. One set is arranged according to subject matter; the second is arranged according to the number of strokes in the Chinese character of the first word of the title of the book. According to my opinion, this is one of the most convenient methods of arranging Chinese catalogues. Under my direction books were repaired, and 1,211 cases (for the protection of the books) were made when necessary.

As the work progressed it became necessary to make a scheme of classification and to classify each and every work in the collection, and to give each of them a class mark corresponding to the scheme of classification employed by the Library of Congress. Under the general supervision of the chief classifier, Mr. Charles Martel, a manuscript "Classification of ancient and modern Chinese literature (including Chinese translations of foreign authors), according to the scheme of the Library of Congress," was prepared.

The system of classification of Chinese literature, according to the scheme employed in the Library of Congress, has revolutionized the whole system of classification used by native and western sinological scholars. For the sake of ready reference for those who have not readjusted themselves to become familiar with this system, I have arranged in the second part of my manuscript the method of grouping according to *Ch'in ting sz' k'u ch'iien tsung mu* (*Catalogue of the Imperial*

Library, Peking, 1795), which is familiar to all students, and was the result of the study of a number of catalogues that had been in use for centuries before.

For the immediate use of the Department of Agriculture, 120 individual works, representing 7,248 Chinese volumes and 62 American volumes in 15,289 books, or keuen, have been critically catalogued and cards prepared for printing. These are works on agriculture, botany, horticulture, and *materia medica*; also physiographical treatises, encyclopedias, dictionaries, authentic commentaries upon the classics, which have a botanical or agricultural value.

For the remaining works of the collection I am preparing two provisional cards for each work (one arranged according to subject matter, the other according to the number of strokes), with title in Chinese characters and references to the Imperial catalogue and all available western catalogues. These references will enable students (even those with a limited knowledge of the Chinese language) to identify each work and have some idea of the contents without consulting the original text.

CARD SECTION

(From the report of the Chief, Mr. Hastings)

During the year the number of subscribers has increased from 1,572 to 1,774.

Sale of cards

The cash sale of cards, including subscriptions to proof-sheets, amounted to \$41,745.17, an increase of more than 23 per cent over the sales of 1910-11. This increase is larger than that of any year since the abnormal increase of over 100 per cent which followed the publication of the A. L. A. Catalogue, 1904.

The sale of cards to the libraries of the departments of the United States government, paid for by transfer of credits, amounted to \$1,028.84.

The total of the deposits received in payment for catalogue cards was \$42,469.08. The refunds made during the year amounted to \$48.

Cards for about 47,000 different titles were added to the stock during the year, including about 4,400 cards printed for libraries in the District of Columbia and about 1,600 printed for other cooperating libraries. The whole number of different titles now represented in the stock is approximately 539,000, including about 33,000 "unrevised" cards not represented in the depository sets.

There has been no increase in the number of depository libraries. The depository set at the Denver Public Library has been reassigned to the California State Library. Except for this change, the list of depositories is the same as given in the report for 1911.

There have been no additions to the list of partial depository sets assigned to libraries in the departments of the United States government.

No new publications have been issued, but several of the Bulletins and the pamphlet "L. C. Printed Cards" have been reprinted. The demand for the latter is very large, owing to the fact that library schools use this in their class work as a basis of instruction in methods of ordering and using the cards.

In line with our usual practice of supplying the L. C. card numbers for titles in booklists and bibliographies, we have during the year supplied card numbers for the new edition of the "United States Catalog" to be published shortly by the H. W. Wilson Co. Card numbers have been supplied for about two-thirds of the main entries in this catalogue, including the great majority of the more important books. By recataloguing out of order unrecatalogued books in reclassified sections and assigning the card numbers in advance of printing, it has been practicable to give the card number for nearly all books listed in the catalogue which are in the Library of Congress, excepting those in "Religion," which were obtained by copyright before August, 1899, or by purchase or gift before 1901.

Depositories

For these books in "Religion" class marks and subject headings were not available, and it seemed inadvisable to print cards for them.

The large increase in the sale of cards, the work of supplying card numbers for the "United States Catalog," and other circumstances have rendered it impracticable to develop the work along new lines or to make any considerable improvements in methods or equipment.

PUBLICATIONS

PUBLICATION SECTION:

The following table exhibits the statistics of the distribution of publications during the past year:

New publications.....	¹ 37
Reprints.....	5
<hr/>	
Publications distributed by Mail Division	4,738
Publications distributed by Superintendent of Documents.....	23,461
Publications distributed by Bureau of International Exchanges.....	5,757
Publications distributed direct from Publication Section...	894
<hr/>	
Total number of publications distributed.....	34,850
Publications in L. C. stock room.....	41,676
Publication correspondence.....	1,757
Envelopes addressed for circulars.....	11,203
Sold by the Superintendent of Documents.....	² 17,604
Received by the Superintendent of Documents for sales...	\$1,879. 40

Special effort has been made this year toward a wider distribution of circulars in order to bring the attention of the general public to our publications, emphasizing our policy of distribution and the fact that copies may, as a rule, be consulted in the local library or purchased from the Superintendent of Documents. Early in October, a form letter was sent to many university and college papers asking that the attention of the students be directed to the fact that requests for publications be made through the medium

¹ Includes: Subject headings L-P.—Subject headings, additions, and corrections (8) Monthly list of state publications, 15 numbers.

² Includes copyright publications.

of the college librarian. This plan was successful, since we have noticed an increase of letters from such librarians and a decrease of personal requests from undergraduate students.

A revision of the supplementary mailing list of historical societies was undertaken this year and a list of Library of Congress publications sent to each society with the offer of such of our Calendars of manuscripts as would be of interest. In this way the publications were deposited only in the historical libraries having actual use for them.

A restricted distribution has been made of certain of our publications according to the nature of the subject treated; in the case of the Guide to the law and legal literature of Germany, chiefly to State or law libraries and the larger public and college libraries on our regular mailing list. For comparative purposes in making such distributions we have marked each mail-list card with the number of volumes in the library, the statistics being obtained from the Bureau of Education List of public, society, and school libraries, 1909. Circulars are generally sent to the smaller libraries not receiving the publication in the first distribution and copies supplied upon request.

A new plan has recently been adopted for the special binding of our reference lists. In the past we have always had 155 copies lettered and bound in red silk cloth for the various committee rooms of the Senate and House. We now have copies bound only for committees specially interested in the subject, the selection being made each time by the Chief Bibliographer.

The publications of the Library during the past year have *Publications* been as follows:

Administrative:

Report of the Librarian of Congress for the fiscal year ending June 30, 1911. 1911. 244 p. Plates. 25 cm. Cloth, 40 cents.

Library of Congress publications issued in 1911. Jan., 1912. 11 p. 20 cm.

Publications

"The Library of Congress." By W. W. Bishop, Superintendent of the Reading Room. 1912. 19 p. Plates. 18 cm. [Printed for administrative purposes and not for sale or general distribution.]

Reprints:

Library of Congress publications issued since 1897. Jan., 1911.

Rules and practice governing the use and issue of books. 1911.

Compiled by the Division of Bibliography:

Select list of references on employers' liability and workmen's compensation; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 196 p. 25½ cm. Paper, 25 cents.

Additional references relating to the taxation of incomes; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. p. 87-144. 25½ cm. Paper, 20 cents.

Select list of references on parcels post; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 39 p. 25½ cm. Paper, 10 cents. [Loose sheet of addenda.]

Select list of references on the initiative, referendum, and recall; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1912. 102 p. 25½ cm. Paper, 15 cents.

Select list of references on wool with special reference to the tariff; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 163 p. 25½ cm. Paper, 20 cents.

Reprints:

List of books on immigration, 3d ed. 1907. 157 p. 25½ cm. Paper, 25 cents.

Select list of references on Government ownership of railroads. 1903. 14 p. 25½ cm. Paper, 10 cents.

List of references on international arbitration. 1908. 151 p. 25½ cm. Paper, 20 cents.

Compiled by the Catalogue Division:

Class A. General works. Polygraphy. 1911. 63 p. 26 cm. Paper, 10 cents.

Class L. Education. 1911. 161 p. 26 cm. Paper, 25 cents.

Subject headings. [Subject headings used in the dictionary catalog of the Library of Congress] L-P. Paper: L, p. 528-569, 20 c; M, p. 570-650, 40 c; N, p. 651-678, 15 c; O, p. 679-699, 10 c; P, p. 700-799, 50 c.

— Additions and corrections. No. 8.

Compiled by the Division of Documents:

Monthly list of State publications. Apr.-Dec. 1911; Jan.-May, 1912. Paper, 50 cents a year.

— Index and title-page for year 1910.

Compiled by the Law Library:

Tentative headings and cross-references for a subject catalogue of American and English law; prepared under the direction of E. M. Borchard, Law Librarian. By R. H. Hupper. 1911. 148 p. 26 cm. Paper, 20 cents.

Guide to the law and legal literature of Germany. By E. M. Borchard, Law Librarian. 1912. 226 p. 26½ cm. Cloth, 65 cents.

Compiled by the Division of Manuscripts:

Calendar of the papers of Martin Van Buren in the Library of Congress. By Elizabeth H. West. 1910. 757 p. front. (port.) 26½ cm. Cloth, \$1.00.

Compiled by the Division of Maps and Charts:

The Lowery collection. A descriptive list of maps of the Spanish possessions within the present limits of the United States, 1502-1820, by Woodbury Lowery. Ed. with notes by P. L. Phillips, Chief, Division of Maps and Charts. 1912. 567 p. 26½ cm. Cloth, \$1.00.

Compiled by the Division of Music:

Catalogue of orchestral music. Part 1, Scores; comp. under the direction of O. G. T. Sonneck, Chief, Division of Music. 1912. 663 p. 25½ cm. Cloth, \$1.00.

Compiled by the Order Division:

Duplicate session laws and state reports available for exchange, January, 1912. 1912. 53 p.

Want list session laws and state reports. 1912. 27 p.

The publications of the Copyright Office are listed in the Report of the Register of Copyrights.

PUBLICATIONS:

Commendations

It is not our practice to enlarge this report or add to its complacency by quoted commendation. The routine publications of the Library (lists, calendars, etc.) are, like its other routine service, merely noted, leaving to inference their probable utility. Where, however, a publication has been issued which represents not merely laborious and scholarly, but *original* research, as well as a considerable expense in manufacture, the credit that it may obtain is a just due not merely to the Government but to the individual official, whose effort in its compilation has necessarily gone beyond office requirements. Such a publication during the past year was the "Catalogue of orchestral music," compiled in the Division of Music, the monograph on "The Lowery collection" compiled in the Division of Maps and Charts, and the "Guide to the law and legal literature of Germany" compiled in the Law Library; the original contribution in each, and indeed the chief labor, being in each case that of the chief of the division mentioned. The Lowery monograph is of too recent issue to have as yet evoked reviews¹ (a preliminary notice of it has just appeared in which it is termed "a model of bibliographic method"); but its type is represented by the "List of geographical atlases" compiled by the same hands and issued in 1910.

Substituting this for the purpose, I do not hesitate therefore to quote certain of the comments upon it and the other two, not as inclusive, but as indicative of an appreciation which is increasing with our effort at a form of

¹ A recent reviewer speaks of it as "very ably edited and annotated by Mr. Phillips. It was fortunate that this task was confided to hands so competent and so sympathetic. The final result is a book of reference of the first importance in this field, a real treasury of cartographical information."

interpretation of our collections which shall carry their usefulness beyond the limits of Washington.

Of the "Catalogue of orchestral music" a review in the *Rivista Musicale*, by a distinguished historian of music, asserts "this catalogue is a magnificent work, and will prove very useful to those scholars whom circumstances prevent from utilizing the splendid collections of the Library;" and a like appreciation is indicated in varying terms in other formal reviews. More of these would be quoted were it not that they (justly) couple praise of the catalogue with remarks upon the accomplishments in general of its compiler, Mr. Sonneck, which he would deprecate quotation of here. Thus, the New York Evening Post: "The Librarian of Congress is fortunate in having as chief of the Division of Music an indefatigable and circumspect expert like O. G. Sonneck. His latest compilation is entitled 'Orchestral music catalogue.' . . . In the interest of much needed variety in concert programmes, it would be well if orchestral conductors and virtuosi provided themselves with copies of this catalogue."

The tributes from individual experts who have seen the publication, being exempt from the caution of a formal review, are naturally even more pronounced and more explicitly personal. Their praise of the book is influenced by their conviction of its utility in a need experienced by themselves; and their praise of the compiler is intensified by their personal and professional knowledge of him and his work in general. They are therefore for the most part less quotable. An authority in Denmark finds the catalogue "admirably gotten up" and likely to prove "of great value for the studies of music;" one in Germany remarks: "The valuable catalogue shows how you have rounded out this important branch of music in your notable institution by collecting the material scientifically. The use of the alphabetical composer list is facilitated uncom-

*Catalogue of
orchestral music*

monly by the class and title indices. Thus the work is an excellent book of reference for those who can not use the library in person." And an eminent authority in England, succinctly "You can be proud of this Catalogue, which is so exact and so carefully prepared. It must have taken a long time to produce, and I am exceedingly glad to have it. My hearty congratulations."

List of geographical atlases

Of the "List of geographical atlases" I append in full a review from a Dutch periodical; and of the "Guide to the law and legal literature of Germany" extracts from one foreign and one domestic review.

A List of Geographical Atlases in the Library of Congress. With bibliographical notes. Comp. under the direction of Philip Lee Phillips. Washington, Government printing office. Two parts in 8°.

With these two substantial volumes which contain ca. 1,700 pages the Library of Congress continues its list of printed catalogues. As the title indicates the two volumes mentioned concern themselves exclusively with atlases, especially the geographical atlases of the great American library. It would, however, be an erroneous assumption that nothing but a nomenclature of titles is here offered. On the contrary, this is a methodical description and arrangement which makes rather the impression of a bibliographical study on atlases generally than a mere inventory. This feature vindicates to the monumental work a particular significance; we could characterize it as a reference work for everything that concerns maps and historical geography.

The system according to which the voluminous subject matter is arranged deserves special appreciation. It is simple and may serve as model also for other then geographical books, since it combines the two principal requirements, to wit, accuracy of dates and economy of time.

A perspicuous table of contents precedes the work. The first part of the work is devoted to a methodical enumeration of the inventory of maps in possession of the Library of Congress. They are disposed in six principal groups: Maps of the world, America, Europe, Asia, Africa, Oceania. Each of these six headings is subdivided in special and general titles. The alphabetical arrangement is maintained throughout. As special titles Mr. P. Lee Phillips treats, following the type of maps of the world, cities, commerce, religious service, colonies, history, navigation, geology, railroads, products, schools, statistics, missions, wars, volcanoes, etc. For the United States he has adopted a number of headings which are even less geographical than those mentioned above; they refer to all branches of human industry amenable to graphical

expression in maps. Thus it may be observed that the title of the work does not entirely correspond to its contents.

The universal maps of the world, chronologically arranged from the twelfth century to 1908, comprise about 800 titles, that is, more than twice the number of all special maps. Each continent is in its turn subdivided into its states, districts, or provinces. The special works are mentioned first, then follow those of a more general character. The respective columns are alphabetically arranged according to the names of the authors.

Part II begins with a complete list of authors, giving dates of birth and death of the writers. This information is of considerable importance, especially for the great number of maps issued without date; the titles of the works are given in abridged form with references to the methodical list of the first part. The list of authors is followed by a general index of more than 40,000 references to ca. 3,400 works. This general index is the most remarkable feature of the two volumes. Here, for instance, in order to illustrate by a few examples, one finds under the name of New York brought together in chronological and methodical order all the maps scattered over the different atlases at Washington; under "Flanders" all the maps referring to Flanders, her cities, coasts, fortifications, wars, etc.; under the name Ortelius an enumeration of the authors consulted by Ortel, the history of the different editions and their discrepancies, etc. The works published after the first part went to press, and which are to be described in the following volume, are mentioned here.

Thus the edition of P. Lee Phillips fulfills two requirements indispensable for every catalogue and especially every bibliographical review, to wit, an arrangement according to the nature of the subject matter, and an alphabetical table of contents, giving names of authors, countries, and all typical terms that may be helpful to find the title looked for. These two desiderata have been discussed time and again; but how many works could we point out that fulfill them? Why should states and cities in our country, where with a few sorry exceptions the keepers of archives are under obligation to take up an inventory, however concise, not lay the same requirement upon public libraries? Why are these officials not referred to the example of the United States and the achievements of this country in this field, since we behold here at last a prototype which we may follow in every respect?

As far as the European division is concerned, the Library of Congress is, of course, inferior to the great collections at Paris and London, above all in older documents. But, we may ask, what advantage has the reader who is anxious for prompt and reliable information from the fact that the department of maps and plans of the National Library of Paris is the richest dépôt in the world as long as there is no complete inventory? The voluminous catalogues of the British Museum, the most comprehensive and best arranged in the world appear badly antiquated compared with the Library of Congress.

In London one hardly gets any bibliographical information concerning the numberless separate maps which to a great extent have been taken from well known atlases. P. Lee Phillips has been able to identify most of the separate maps.

Although the collections of Paris and London are more interesting, taken all in all, it must be conceded that the much younger American library possesses nevertheless treasures of extraordinary value. There you find among others the 40 editions of Ptolemaeus represented, with the exceptions of the Latin editions of the years 1478, 1482, and 1514. Moreover, the library possesses 24 folio copies of Ortelius' atlas; among these are three issues of the second edition, that is one more than heretofore known. Mercator is represented with 11 atlases, the first one of date 1607. We have yet to mention that Wytfliet's *Descriptionis Ptolemaicae augmentum*, 1597, is quoted by the author as the first specifically American atlas; he considers it as just as precious for the older cartography of the New World as Ptolemaeus' work for the Old World. Detailed descriptions are devoted to the editions of Blaeu and the more modern atlases of the Italian, Dutch, German, French, and English schools.

As far as America is concerned the work is little less than a complete bibliography. A list of American maps was published separately at an earlier date in the publications of the Library of Congress.

In the form of notes the author mentions such maps referring to his country as are not found in Washington; likewise such maps as are met in older atlases without being mentioned in the table of contents; even reproductions of old and rare manuscript maps are mentioned and discussed. This is done with the collections in Europe published by Santarem, Jomard, Fischer, Muller, Nordenskjöld, and the works concerning boundary regulations between American states. As a typical criterion of the accuracy pervading the whole list it may be mentioned that under the word "Publishers" the names of all the publishers of maps mentioned in the work are registered.

Without claiming to be, as a whole or in part, a bibliography, the catalogue of P. Lee Phillips is, at all events, the most complete study on atlases in general that has come to our knowledge. To be sure, different monographs concerning cartographies and the schools of cartography have been published in Europe and America; the author mentions in his preface 10 names, whereof one-half are those of Dutch authors: J. van Raemdonck, P. A. Tiele, J. H. Hessels, P. J. H. Baudet, H. E. Wauwermans.

Clear print and modified lettering for the various sorts of information cooperate to make this part as well as the formerly published volumes of the same series a prototype for editions of works of the same class.

J. DENUCÉ

[In Overdruk uit het tijdschrift voor boek-en bibliotheekwezen.
1910. p. 282-284.]

The following review of The Guide to the law and legal literature of Germany appears in The Juridical Review, *Guide to the law and legal literature of Germany* Edinburgh and London, July, 1912:

This remarkable and excellent work furnishes English-speaking lawyers with a guide to the literature of German juristic thought and of the legal institutions of the German Empire. With a few exceptions the law of the individual German States is not referred to, nor are books on international and comparative law included. It is very difficult to characterise the volume briefly. So far as we know it is unique. It has some resemblance to those manuals with which we are familiar, bearing titles such as "Where to find your Law," but it is written in a far more critical and scientific spirit than they pretend to. It is not merely a bibliography. It is not exhaustive, but refers only to works of some weight, describing the nature and scope of each shortly but sufficiently. In fact it performs much the same task in law as a handbook of literature would do in a wider field, though few handbooks are so concise, so pointed, or so logically arranged. Books on jurisprudence and legal history are first reviewed; the civil and commercial codes are then considered, their topics taken up one by one, and a copious reference given to the best books on each. Incidentally a good deal of information as to German law and its history is embodied in the text. The next heading is Social Insurance and Labour Law. There is now in Germany a Workman's Insurance Code of no less than 1,805 sections. A great deal may be learned about it even from the book before us, and any one who is anxious to study this subject, or indeed any other part of German law, will find himself directed without waste of time to the best course of reading. Civil procedure, criminal and public law, are last considered. A most useful feature is a glossary of German legal terms, extending to about thirty pages. Everyone who has opened a foreign work on law or on any other technical subject knows how annoying these words are which are not to be found in the humble household dictionary. Throughout his labours the author has evidently always had in view the particular needs of those who desire, in a practical spirit, to study the way in which the Germans have attempted to solve legal and especially social and political problems. Such readers are an important if not a numerous class, and to them the present work will be invaluable. It is promised that it is only the first of a series of guides to foreign law.

G. D. VALENTINE

The following is taken from the Green Bag, Boston, June, 1912:

Mr. Borchard's Guide to the Law and Legal Literature of Germany is the first of a series designed to make accessible to

the American lawyer, and to the American legislator as well, the most important legal literature of the civilized states of the world. The work has not been carried out in the perfunctory spirit of the time-serving bibliographer, but exhibits qualities that call for admiration, and is to be treated as a scholarly, critical monograph on German legal literature, written by one whose acquaintance with it is not superficial, but embraces the tendencies which have been at work in German legal thought, and the divergent theories and methods of the important writers. Sheldon Amos's remark, made forty years ago, holds true to-day: "Modern jurisprudence is emphatically a German creation." Not only do we owe a great debt of gratitude to Professor Pound, for luminously expounding the theories of recent German jurists, but Mr. Borchard has placed those interested in recent progress in Germany under a similar obligation.

* * * Mr. Borchard's comprehensive guide, which deals with a great variety of other subjects, such as legislation, court reports, legal education, legal history, the Civil Code, commercial law, social insurance and labor laws, civil procedure, criminal law, criminal procedure, reform of criminal law and procedure, and public law. The value of all this wealth of information, presented, as it is in admirable perspective, need not be dwelt upon to be recognized. There is a useful glossary of German legal terms, based on the terminology of Schuster, and a good index.

DIVISION OF BIBLIOGRAPHY

The report of the Chief, Mr. Meyer, contains interesting details of the particular service rendered, including a record of individual inquiries met. They are, of course, *too* particular for insertion here. The following more general remarks are, however, quoted:

Cooperative bibliographical work

Our cooperative work seems to be established on a firm foundation and shows a healthy development, which promises well for the future. Fifteen lists were printed on the duplicating machine for preliminary distribution and eight lists were printed in final form in "Special libraries." Among these is the important Check list of references on city planning, on which, in addition to the State libraries and Legislative reference libraries, we had the assistance of the Department of Landscape Architecture of Harvard University. Miss Theodora Kimball, librarian of the Department, spent a week in the division in April working on this list, which

was printed in the May number of "Special libraries" in time for the Conference on city planning, held in Boston at the end of May.

We have extended the bounds of this cooperative work slightly by the inclusion of the libraries of Columbia University, the University of Illinois, and of Wisconsin University and the New York Public Library. These four libraries asked to be allowed to participate and we are now sending the preliminary lists to them regularly. So far their contributions have not been considerable, but there seems no good reason why these few larger libraries should not receive some of the benefits as long as it does not interfere with our work as planned. We are not making any effort to extend the cooperation in this direction, but should not refuse requests from other libraries of similar importance.

The Division has welcomed any opportunity to cooperate with other bodies in bibliographical work. With the Librarian of the National Monetary commission we have practically completed a list on Banking and currency with special reference to the present situation in this country and the work of the Monetary commission. Through the Bureau of Labor, at the instance of Dr. Harris, the chief of the Division of Documents, we have cooperated with the American Society for Labor Legislation in the compilation of a list on Occupational diseases, which was printed by the association in the June number of their organ "American labor legislation review"; the contribution of the Division of Bibliography being all the English and American titles of books and periodicals. We have also had the hearty cooperation of the librarian of the Bureau of Labor in the compilation of our printed lists on Employers' liability and workmen's compensation and the additional references on the Cost of living, and they have also cooperated in the compilation of the list on Prevention of accidents.

The Department of the Interior recently issued a bibliography on the National parks, to which the Division of Bibliography contributed. We have just begun work on a list covering the good roads question in cooperation with the Office of Good Roads. We found that they could not undertake a list of this kind themselves, but that they were in a position to give us active cooperation.

In connection with our cooperative work, the Chief Bibliographer examined a number of reports from state libraries and legislative reference libraries and found a certain amount of duplication, several individuals being engaged in working up the same question. Correspondence with some of the cooperating libraries has brought this out with additional force. Evidently, a clearing house for bibliographical information is needed, and the Division of Bibliography may undertake to act as such a clearing-house, certainly within the circle formed by the state libraries and the legislative reference libraries. I do not think the burden would be very great, and would be compensated for to a certain extent by disclosing to us sources of information now practically hidden; and undoubtedly we should be relieved from a certain amount of compilation which our closer touch with other workers would show was in existence elsewhere. This is in line with clearing-house suggestions which have recently received some considerations, but I do not think it would interfere with any of them. At any rate, the suggestion may be made and some plans for procedure outlined at the next meeting of the Special Libraries association.

READING ROOM FOR THE BLIND

My report for 1910 related the transfer of the collection of embossed books (as a deposit) to the Public Library, a transfer sanctioned by Congress by the transfer in the succeeding appropriation act of the position itself in conduct of the work. During the winter of 1910-11 and until

January of 1912 the books were issued from there, the reading room was maintained there, and the "entertainments" were held there.

Dissatisfaction having been expressed with the conditions there, and a keen desire of many of the blind for a reassociation with the Library of Congress, I announced that I was fully prepared to recall the collection and the work in case the latter could be provided for on a scale which would so enlarge and diversify it as to make it really worthy of the Federal Government and a National Library; and pursuant to this I incorporated in my estimates submitted in October, 1911, the following item:

DIVISION FOR THE BLIND: For the purchase of books and other material in raised type or relief (in addition to such as may be bought from the general appropriation for the Increase of the Library), for apparatus, for service, for traveling expenses and for freight, expressage, postage, telegrams, and all incidental expenses, seven thousand five hundred dollars, or so much thereof as may be necessary..... \$7,500

The above proposed not merely additional books, and a properly equipped bureau of information, but apparatus upon which the blind themselves might be seen at useful work, for which they received pay.

*Reading room
for the blind*

The item did not prevail; and the provision actually made, in the appropriation act for the present year, is merely a single salary of \$1,200 for an assistant in charge. This will of course suffice only for the care of the room itself (a new one, the one formerly used being now required for other uses), the administration of the collection, and the other service incidental to it.

Meantime the books were recalled here in January last and the service resumed, the attendant until June 30 being detailed to us from the Public Library, on whose rolls she remained. Owing to delay in the passage of the appropriation act for the present year no position became available here until August 24, and it was not filled until October

1, but the new room, with the collection of books has been open continuously since June, the service being arranged for by detail within our own force.

LEGISLATIVE REFERENCE BUREAU

The movement for the creation of a legislative reference and bill drafting bureau in the Library reached the stage of a hearing before the Committee on the Library of the House of Representatives on February 26 and 27. The bill H. R. 18720, which had previously been submitted to a number of leading experts in this field and which had been introduced by Representative John M. Nelson, of Wisconsin, was used as the basis of the discussion before the committee.

The testimony of those who appeared before the committee was unanimous as to the value of the service which such a bureau might render in connection with the increasingly difficult work of collecting and digesting information and drafting statutes. Difference of opinion was, however, expressed as to the propriety of combining the actual drafting of bills with the legislative reference work proper which it was assumed should be located at the Library of Congress and under its direction. Strong preference was expressed by certain of the speakers for its location at the Capitol and provided for there by experts forming a section of the legislative establishment.

In my report last year on legislative reference bureaus I remarked that the work of indexing, digesting, and compiling laws and the drafting or revision of bills were not inevitably associated. The work of a purely legislative reference bureau should be conducted at the Library and under its direction. The employment, however, of a corps of bill drafters at the Capitol as part of the organization of the Senate and House and under the immediate direction of Congress would in no wise interfere with the general scheme of a legislative reference bureau at the Library.

The address of Mr. James Bryce, the ambassador of Great Britain, upon the success of the bill-drafting office of the British Parliament (Parliamentary Counsel of the Treasury), was of unusual interest and value as to the institution of a similar office in connection with Congress.

Among those who appeared before the committee were Mr. Clark, Speaker of the House, Mr. Mann, leader of the minority, Representative Nelson of Wisconsin, Representative Sherley of Kentucky, Dr. F. A. Cleveland, chairman of the President's Commission on Economy and Efficiency, Dr. W. D. Lewis, dean of the University of Pennsylvania Law School, Dr. Charles McCarthy, of the Wisconsin legislative reference department, Dr. E. D. Durand, Director of the Census, Dr. C. P. Neill, Commissioner of Labor, Mr. Middleton G. Beaman, of the legislative drafting department of Columbia University, Mr. C. B. Lester, New York State legislative reference department, Mr. James McKirdy, of the legislative reference bureau of Pennsylvania, and Mr. Ernest Bruncken, formerly of the legislative reference department of California. Representative Berger of Wisconsin and Prof. Ernst Freund, of the University of Chicago Law School, filed statements.

Respectfully submitted

HERBERT PUTNAM

Librarian of Congress

The Honorable

THE PRESIDENT OF THE SENATE

The Honorable

THE SPEAKER OF THE

HOUSE OF REPRESENTATIVES

REPORT
OF
THE SUPERINTENDENT OF THE LIBRARY
BUILDING AND GROUNDS

LIBRARY OF CONGRESS

Washington, D. C., December 2, 1912

SIR: I have the honor to submit my annual report as Superintendent of the Building and Grounds of the Library of Congress for the fiscal year ending June 30, 1912.

The duties of the office consist of and comprise the custody, care, and maintenance in constant operating condition, physically and mechanically, of the building and grounds and of their contents, including machinery, apparatus, furniture equipment, general telephone service, housekeeping, repairs, heating, lighting, ventilation, policing, and guarding the entire property of the Library, night and day. In addition to these duties the office is charged with the disbursement of the funds provided by the appropriations for the support, maintenance, increase, and conduct of the Library, also for the United States Botanic Garden and any others placed under the control of the Joint Committee on the Library.

The tables and statements below indicate in detail the variety and extent of the operations.

VISITORS TO THE LIBRARY BUILDING

The usual report of the numbers of visitors and users of the Library during the fiscal year is given in the following table:

Month	9 to 6	6 to 10	Maximum	Minimum	Daily average	Days
July.....	28,383	24,438	2,622	415	1,761	30
August.....	36,166	30,937	3,741	404	2,165	31
September.....	31,560	28,412	3,776	424	1,999	30
October.....	36,337	24,163	3,027	1,191	1,952	31
November.....	32,981	17,126	2,840	1,170	1,670	30
December.....	36,732	16,619	2,749	705	1,778	30
January.....	34,947	14,736	2,620	1,039	1,603	31
February.....	33,795	17,008	3,032	1,367	1,749	29
March.....	38,674	23,713	3,947	1,305	2,012	31
April.....	42,345	35,180	4,242	1,936	2,584	30
May.....	35,992	28,099	3,769	1,383	2,067	31
June.....	40,073	33,713	5,656	1,544	2,460	30
Total.....	427,895	294,144	.....	.....	.....	364

Grand total, 722,039.

Daily average for 364 days, 1,984.

DETAILS OF EXPENSES FOR FUEL, LIGHTS, REPAIRS, AND MISCELLANEOUS SUPPLIES

The appropriation for these purposes was \$18,000 and was expended for the following items:

Watch and housekeeping department:

Ice (430,990 pounds).....	\$1,241.61
Painting, in and about the building—	
Hired labor.....	1,132.00
Supplies.....	497.71
Repairs (doors, windows, floors, etc.).....	317.12
Washing towels.....	315.85
Dry goods (towels, cleaning cloths, etc.)....	212.78
Soap powders.....	185.39
Housekeeping (brooms, brushes, buckets, glasses, etc.).....	172.55
Soaps.....	189.38
Toilet supplies.....	96.00
Miscellaneous supplies.....	137.31
	\$4,497.70

Engineer department:

Repaving driveway east front of building	\$3,600.00
Repairing roof (labor and material)	1,114.81
Electric-driven pumps for elevator and house service (completing work begun in preceding year)	675.00
Motor vehicles for mail, collection and delivery service, upkeep and repairs	832.34
Pneumatic-tube terminals (of modern and noiseless type to replace old ones)	420.00
Hardware and tools	371.74
Repairs	386.44
Plumbing supplies	285.05
Water mains for high-pressure water service	249.01
Miscellaneous supplies	233.93
Removing refuse	119.04
Oils	35.95
Gas	3.07
	————— \$8,326.38

Electrical department:

Incandescent electric lamps	2,869.87
Miscellaneous supplies	1,080.29
Intercommunicating telephones	17.80
Testing voltmeters	12.00
	————— 3,979.96

Office:

General telephone service of Library (1 central station, 4 trunk lines, and 65 substations)	945.37
Stationery and office supplies	47.78
Street-car tickets	35.00
Advertising	33.75
Postage	13.00
City directory	6.00
Express and freight charges	9.97
Telegrams	2.73
	————— 1,093.60

Total 17,897.64

The usual item of coal consumption does not appear in the table for this year, as the heat, light, and power for the building are now supplied, through steam and electricity, entirely by the new central power plant for the government buildings on Capitol Hill. The item of upkeep and repairs of motor vehicles used in the mail, collection, and delivery service of the Library, which appears in the table, was for-

merly included in the contingent expense appropriation for the Library, but was this year transferred to the appropriation for fuel, lights, etc., under this department, and one employee was added, by transfer from the Library force, to the force under this office to operate one of the machines.

FURNITURE, INCLUDING PARTITIONS, SCREENS, SHELVING,
AND ELECTRICAL WORK PERTAINING THERETO

From the appropriation of \$20,000 for these purposes the following expenditures were made:

Extension of Music Division stack into space on floor below.	\$8,887.49
Automatic electric time switches for north and south book stacks.....	2,815.50
Repairing and fitting of miscellaneous furniture (including labor and materials).....	1,227.06
Miscellaneous furniture (including tables, desks, stands, cases, hardware, etc.).....	1,083.95
Typewriting machines and repairing.....	840.24
Lamp standards and shades for reading desks in main reading room.....	678.00
Photostat.....	626.00
Dumb waiter (book lift) in northwest stair tower.....	625.00
Rewiring for east book stack lighting.....	624.14
Card catalogue cases and trays.....	600.47
Metal wall ranges for books for the blind in west south curtain, basement.....	534.00
Carpets, runners, etc.....	489.20
Window awnings.....	368.00
Screens and partitions.....	294.28
Window shades.....	118.19
Miscellaneous electric work in book stacks.....	71.32
Paints, varnishes, and brushes.....	64.38
Express and freight.....	6.73
Total.....	19,953.95

EXTENSION OF MUSIC DIVISION STACK

During the year the capacity of the already existing iron stack of shelving in the Division of Music, on the ground floor of the building, was materially increased by the erection, in a space 173 feet long, 22 feet wide, and 11 feet high, in the story immediately below it, of a stack similar to it in

all particulars. The new section contains 5,490 feet of shelving and is reached from the floor above by a spiral stairway. Its total cost, including the painting and preparation of the room, was \$8,887.49.

ELECTRICAL WORK

Improved automatic time switches for controlling the electric lighting were substituted in the north and south stacks for the push-button switches, with the result that the consumption of current and lamps was reduced one-half. The new switches are so constructed as to turn off automatically the lights in the ranges in use at intervals of about eight minutes, thus preventing, to a great extent, the unnecessary use or unintentional waste of current.

Installation of 113 new electric lamp standards with metal shades on the desks in the main reading room has added to the comfort and convenience of its users and attendants and eliminated glare from the previous scheme of lighting the desks.

The brass-armored fiber electric wiring in the east book stack, installed at the time of the building's construction, was replaced by the more modern and substantial steel conduit to materially reduce and minimize the fire risk.

REPAIRS

One of the principal items of necessary repair to the building occurred in an extensive patching and mending of the copper roof during the autumn and winter months, for which it became necessary to employ a skilled mechanic and purchase new material to prevent and correct serious leaking. The roof has been in service about seventeen years, and the necessity of more work on it, especially when the seasons of inclement weather arrive, is not unexpected.

Some much needed painting of a few walls within the building, and the area gratings and a limited number of door and window frames on the outside, was accomplished. More work of this class will be needed during the next year.

The old and worn-out asphalt driveway at the east entrance of the building, containing about 14,000 square feet of surface, was replaced by one of asphalt blocks 2 by 5 by 12 inches each, at a cost of \$3,600.

The asphalt surface of the driveway of the western approaches to the building is badly cracked and unsightly, and should be renewed, but it is doubtful whether the appropriation for fuel, lights, repairs, etc., for the next year will prove adequate for the improvement after all of the necessary operating expenses are met.

MECHANICAL BOOK CARRIER

A mechanical automatic book carrier of special design and construction was installed in the new book stack in the southeast court of the building, and is now in successful operation. Its cost was \$4,800.

CARD DIVISION STACK

In order to provide the necessary and proper facilities for storing the printed catalogue cards of the Library, which accumulate at the rate of about five millions annually and are sold from time to time, as ordered, to libraries throughout the country, it is proposed to at least partly extend the existing steel stack for storage of cards in the Card Division of the Library by the erection of a tier of steel tray cases on top of the second tier now in place so as to provide about 7,000 additional trays. It is estimated that the work will cost about \$5,500, which must be met from the furniture appropriation of \$10,000 for the next fiscal year.

APPROPRIATIONS AND EXPENDITURES

The following table presents the several appropriations disbursed during the fiscal year and the corresponding appropriations for the preceding and succeeding years:

Object of appropriations	Appropriations, 1911	Appropriations, 1912	Expenditures, 1912	Appropriations, 1913
Library:				
Salaries.....	¹ \$368,558.26	² \$375,015.18	\$374,663.56	\$381,620.00
Special and temporary service.....	³ 2,450.68	³ 2,494.83	2,418.98	2,075.85
Contingent expenses.....	7,300.00	6,800.00	⁴ 6,721.89	6,800.00
Increase of Library:				
Purchase of books.....	100,000.00	90,000.00	⁵ 90,000.00	90,000.00
Purchase of law books.....	3,000.00	3,000.00	⁴ 3,000.00	3,000.00
Purchase of periodicals.....	5,000.00	5,000.00	⁴ 5,000.00	5,000.00
Index to statutes at large.....	5,000.00	.....	.....	.....
Moving library National Monetary Commission.....	.....	.....	.....	500.00
Total.....	491,308.94	482,310.01	481,804.43	488,995.85
Buildings and grounds:				
Care and maintenance.....	79,705.00	74,505.00	74,330.20	74,985.00
Fuel, lights, etc.....	32,500.00	18,000.00	⁴ 17,897.64	14,000.00
Furniture.....	25,000.00	20,000.00	⁴ 19,953.95	10,000.00
Book stack, southeast court.....	⁶ 38,589.43	68,682.97	4,800.00	⁶ 3,882.97
Total.....	175,794.43	121,187.97	116,981.79	102,867.97
Botanic Garden:				
Salaries.....	16,393.75	16,393.75	16,309.50	16,393.75
Improving garden.....	6,500.00	6,500.00	⁴ 6,141.74	6,500.00
Improving buildings.....	7,000.00	7,000.00	⁴ 6,877.39	7,000.00
Total.....	29,893.75	29,893.75	29,328.63	29,893.75
Repairs of paintings in the Capitol.				
Marking historical places, District of Columbia.....	1,500.00	1,500.00	1,499.70	1,500.00
Removing Botanic Garden fence.....	1,000.00	⁷ 1,350.00	.....	1,850.00
Bust of the late Chief Justice Fuller.....	.....	2,500.00	.....	⁸ 2,500.00
Portrait of the late Chief Justice Fuller.....	1,500.00	.....	.....	.....
	1,500.00	.....	.....	.....

¹ Including increase of \$818.26 by sale of cards.

² Including increase of \$655.18 by sale of cards.

³ Including balance available from preceding year.

⁴ Including unfilled orders.

⁵ Any unexpended balance to be available for succeeding year.

⁶ Balance available from preceding year.

⁷ Including balance available from preceding year and additional appropriation of \$500.

⁸ Appropriation continued from preceding year.

UNEXPENDED BALANCES

After the settlement of claims for the fiscal year 1910, the unexpended balances of the appropriations for that year were deposited to the credit of the surplus fund of the Treasury in amounts as follows:

Library:

Salaries.....	\$759. 29
Increase.....	4. 68
Contingent expenses.....	28. 91
Index to the Statutes at Large.....	346. 83
	————— \$1, 139. 71

Building and grounds:

Care and maintenance.....	275. 12
Furniture.....	38. 59
Fuel, lights, etc.....	76. 66
	————— 390. 37

Botanic Garden:

Salaries.....	294. 75
Improving garden.....	218. 56
Improving buildings.....	1, 545. 08
	————— 2, 058. 39
	————— \$3, 588. 47

MISCELLANEOUS RECEIPTS

Sales of public property were made during the year, and proceeds deposited in the Treasury to the credit of the United States, as follows:

Old typewriters credited in part payment for new.....	\$173. 50
Waste paper by competitive contract.....	156. 94
Old catalogue card stock by competitive contract.....	30. 44
	————— \$360. 88

Respectfully submitted

BERNARD R. GREEN

Superintendent of the Library Building and Grounds

The Honorable

THE PRESIDENT OF THE SENATE

The Honorable

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

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APPENDIX Ia

APPROPRIATIONS AND EXPENDITURES, 1911-12

	Appropriations	Expended	Unexpended
SALARIES			
Library service:			
General.....	\$246, 420. 00	\$246, 233. 68	\$186. 32
Sunday.....	10, 000. 00	9, 988. 00	12. 00
Special.....	^a 2, 494. 83	2, 418. 98	75. 85
Carrier service.....	960. 00	960. 00	.....
Distribution of card indexes.....	^b 22, 455. 18	^c 22, 423. 33	31. 85
Copyright Office.....	95, 180. 00	95, 058. 55	121. 45
Total.....	377, 510. 01	377, 082. 54	427. 47
INCREASE OF LIBRARY			
Purchase of books.....	90, 000. 00	90, 000. 00	.....
Purchase of periodicals....	5, 000. 00	5, 000. 00	.....
Purchase of law books....	^d 3, 000. 00	3, 000. 00	.....
Total.....	98, 000. 00	98, 000. 00	.....
Contingent expenses.....	6, 800. 00	6, 721. 89	78. 11
Printing and binding (allotment, not appropriation).....	^e 202, 280. 76	197, 728. 31	4, 552. 45
Grand total.....	684, 590. 77	679, 532. 74	5, 058. 03

^a Includes balance of \$494.83 from 1910-11.

^b Includes \$655.18 credits on account of sales to Government institutions. Does not include \$62.59 yet to be credited.

^c An indebtedness of \$80 is to be paid when amounts due through sales to Government institutions have been credited in full.

^d Exclusive of \$2,000 to be expended by the marshal of the Supreme Court for new books of reference for that body.

^e Includes \$280.76 credits on account of sales to Government institutions. Does not include \$26.82 yet to be credited.

CONTINGENT EXPENSES IN DETAIL

Object of expenditure	Amount
Stationery supplies.....	\$4,079.37
Typewriter supplies.....	103.90
Dies, presses, and rubber stamps.....	174.07
Travel expenses.....	321.49
Street car tickets.....	75.00
Postage stamps and international postal cards (foreign correspondence).....	325.00
Telegrams and long-distance telephone messages.....	86.27
Transfer charges (expressage, etc.).....	20.65
Post-office box rent July 1, 1911, to June 30, 1912.....	16.00
Tools.....	8.93
Duplicating machine.....	30.00
Auto delivery wagon and extras.....	1,086.27
Mail bag and repairs.....	10.50
Flexotype supplies.....	28.13
Photostat paper and developing powders.....	300.53
Photostat miscellaneous supplies.....	25.78
Motor-cycle tires.....	30.00
Total.....	6,721.89

APPENDIX Ib

APPROPRIATIONS FOR THE LIBRARY OF CONGRESS AS CONTAINED IN "AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1913, AND FOR OTHER PURPOSES."

General administration: Librarian of Congress, \$6,500; chief assistant librarian, \$4,000; chief clerk, \$2,500; Librarian's secretary, \$1,800; clerk, \$1,200; clerk (assistant to chief clerk), \$1,000; stenographers and typewriters—one at \$1,200, one at \$720; messenger, \$840; junior messenger, \$360; photostat operator, \$600; in all, \$20,720.

Mail and delivery: Assistant in charge, \$1,500; assistants—one at \$900, one at \$720, junior messenger, \$360; in all, \$3,480.

Order and accession: Chief of division, \$2,500; assistants—one at \$1,500, one at \$1,200; three at \$900 each, two at \$720 each, two at \$600 each, one at \$520; two junior messengers, at \$360 each; in all, \$11,780.

Catalogue, classification, and shelf: Chief of division, \$3,000; chief classifier, \$2,000; assistants—four at \$1,800 each, seven at \$1,500 each, six at \$1,400 each, twelve at \$1,200 each, six at \$1,000 each, fourteen at \$900 each, four at \$800 each, thirteen at \$720 each, three at \$600 each, ten at \$540 each, four at \$480 each; six junior messengers, at \$360 each; in all, \$87,940.

Binding: Assistant in charge, \$1,400; assistant, \$900; junior messenger, \$360; in all, \$2,660.

Bibliography: Chief of division, \$3,000; assistants—one at \$1,500, two at \$900 each, one at \$720; stenographer and typewriter, \$900; junior messenger, \$360; in all, \$8,280.

Reading rooms (including evening service) and special collections: Superintendent of reading room, \$3,000; assistants—two at \$1,800 each, five at \$1,200 each, including one in division for the blind (formerly in free public

library), two at the charging desk, at \$1,080 each, three at \$900 each, ten at \$720 each, two at \$600 each; stenographer and typewriter, \$900; attendant, Senate reading room, \$900; attendants, Representatives' reading room—one at \$900 and one at \$720; attendants—two in cloak rooms at \$720 each, one in Toner Library, \$900, one in Washingtonian Library, \$900, two for gallery and alcoves, at \$480 each; telephone operator, \$600; four junior messengers, at \$360 each; two watchmen, at \$720 each; evening service, five assistants, at \$900 each; fifteen assistants, at \$720 each; two assistants, at \$600 each; in all, \$53,460.

Periodical (including evening service): Chief of division, \$2,000; chief assistant, \$1,500; assistants—two at \$900 each, three at \$720 each; stenographer and typewriter, \$900; two junior messengers, at \$360 each; for arrears of sorting and collating and to enable periodical reading room to be opened in the evenings, two assistants, at \$720 each; in all, \$10,520.

Documents: Chief of division, \$3,000; assistants—one at \$1,400, one at \$720; stenographer and typewriter, \$900; junior messenger, \$360; in all, \$6,380.

Manuscript: Chief of division, \$3,000; chief assistant, \$1,500; assistant, \$900; junior messenger, \$360; in all, \$5,760.

Maps and charts: Chief of division, \$3,000; assistants—one at \$1,400, two at \$900 each, one at \$720; junior messenger, \$360; in all, \$7,280.

Music: Chief of division, \$3,000; assistants—one at \$1,500, one at \$1,000, two at \$720 each; junior messenger, \$360; in all, \$7,300.

Prints: Chief of division, \$2,000; assistants—one at \$1,400, two at \$900 each; junior messenger, \$360; in all, \$5,560.

Smithsonian deposit: Custodian, \$1,500; assistant, \$1,400; messenger, \$720; junior messenger, \$360; in all, \$3,980.

Congressional Reference Library: Custodian, \$1,500; assistants—one at \$1,200, one at \$900, one at \$720; two junior messengers, at \$360 each; in all, \$5,040.

Law Library: Law librarian, \$3,000; assistants—two at \$1,400 each, one at \$900, one at \$480, one for evening service, \$1,500; junior messenger, \$360; in all, \$9,040.

COPYRIGHT OFFICE under the direction of the Librarian of Congress: Register of copyrights, \$4,000; assistant register of copyrights, \$3,000; clerks—three at \$2,000 each, two at \$1,800 each, seven at \$1,600 each, one at \$1,500, eight at \$1,400 each, ten at \$1,200 each, ten at \$1,000 each, eighteen at \$900 each, two at \$800 each, ten at \$720 each, four at \$600 each, two at \$480 each; four junior messengers, at \$360 each. Arrears, special service: Three clerks, at \$1,200 each; porter, \$720; junior messenger, \$360, in all, \$96,980.

DISTRIBUTION OF CARD INDEXES: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, and traveling expenses connected with such distribution, \$24,500.

TEMPORARY SERVICES: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, \$2,000.

CARRIER SERVICE: For service in connection with the Senate and House Office Buildings, \$960, or so much thereof as may be necessary.

SUNDAY OPENING: To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock post meridian on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, \$10,000, or so much thereof as may be necessary.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, to continue available during the fiscal year nineteen hundred and fourteen, \$90,000, together with the unexpended balance of the sum appropriated for this object for the fiscal year nineteen hundred and twelve.

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, including payment in advance for subscriptions to law periodicals, \$3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and pur-

chased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$2,000;

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, \$5,000;

In all, \$100,000.

CONTINGENT EXPENSES: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, which sum shall be so apportioned as to prevent a deficiency therein, \$6,800.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: Superintendent of the Library building and grounds, \$5,000; chief clerk, \$2,000; clerks—one at \$1,600, one at \$1,400, one at \$1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; sixteen watchmen, at \$720 each; carpenter, painter, and foreman of laborers, three in all, at \$900 each; fourteen laborers, at \$480 each; two attendants in ladies' room, at \$480 each; four check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; forty-seven charwomen; chief engineer, \$1,500; assistant engineers—one at \$1,200, three at \$900 each; electrician, \$1,200; machinists—one at \$1,000, one at \$900; two wiremen and one plumber, at \$900 each; three elevator conductors and ten skilled laborers, at \$720 each; in all, \$72,185.

For extra services of employees and additional employees under the superintendent of Library building and grounds to provide for the opening of the Library building from two until ten o'clock post meridian on Sundays and legal holidays, \$2,800.

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, \$14,000.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$10,000.

* * * *

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of \$500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

Provisions in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes."

For such trees, shrubs, plants, fertilizers, and skilled labor for the grounds of the Library of Congress as may be requested by the superintendent of the Library building, \$1,000.

For the Library of Congress, including the Copyright Office, and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of Library books, and for building and grounds, Library of Congress, \$202,000.

APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1911-12

WASHINGTON, D. C., *July 5, 1912*

SIR: The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1911, to June 30, 1912, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$120,149.51. A balance of \$7,377.33, representing trust funds and unfinished business, was on hand July 1, 1911, making a total of \$127,526.84 to be accounted for. Of this amount the sum of \$3,506.38 received by the Copyright Office was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$124,020.46. The balance carried over to July 1, 1912, was \$7,335.41 (representing trust funds, \$6,282.09, and total unfinished business since July 1, 1897—15 years—\$1,053.32), leaving for fees applied during the fiscal year 1911-12, \$116,685.05.

This is an increase in fees over the previous fiscal year of \$6,771.10.

EXPENDITURES

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1912, was \$95,180. The total expenditure for salaries was \$95,058.55, or \$21,626.50 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, except furniture, including stationery and other articles, and postage on foreign mail matter, etc., was \$1,056.81.

During the 15 fiscal years since the reorganization of the Copyright Office (from July 1, 1897, to June 30, 1912), the total receipts have exceeded one and a quarter million

Fees, etc.

Salaries

Expenditures

Copyright receipts and fees

dollars (\$1,251,161.82); the copyright fees applied and paid into the Treasury have amounted to more than a million dollars (\$1,189,666.70); the articles deposited number more than two and three-quarters million (2,801,691), and the total copyright registrations over one and a half million (1,577,732).

The fees (\$1,189,666.70) were larger than the appropriation for salaries (\$1,005,134.97) used during the same period by \$184,531.73.

*Value of copy
right deposits*

In addition to this direct profit, a large number of the 2,801,691 books, maps, prints, and other articles deposited during the 15 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the Copyright Office effected a saving to the purchase fund of the Library equal in amount to their cost.

COPYRIGHT ENTRIES AND FEES

Registrations

The registrations for the fiscal year numbered 120,931. Of these 108,393 were registrations at \$1 each, including a certificate, and 11,189 were registrations of photographs without certificates, at 50 cents each. There were also 1,349 registrations of renewals at 50 cents each. The fees for these registrations amounted to a total of \$114,662.

The number of registrations in each class from July 1, 1911, to June 30, 1912, as compared with the number of entries made in the previous year, is shown in Exhibit F.

COPYRIGHT DEPOSITS

Articles deposited

The various articles deposited in compliance with the new copyright law which have been registered, stamped, indexed, and catalogued during the fiscal year amount to 219,521. The number of these articles in each class for the 15 fiscal years is shown in Exhibit G.

*Elimination of
copyright deposits*

The copyright act which went into force on July 1, 1909, provides for the gradual elimination of the accumulated copyright deposits (see secs. 59 and 60).¹ During the year

¹ SEC. 59. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange

books desired for the Library to the number of 8,796 volumes have been transferred to the Library through the Order Division. These volumes were in addition to the "first" copies of copyright books sent as received from day to day, numbering 13,578 for the fiscal year, thus making a total of 22,374 books and pamphlets delivered to the Library from the Copyright Office.

In addition to the current copies of maps and musical works sent daily to the Music and Map Divisions of the Library from the Copyright Office (4,344 maps and 28,113 musical compositions), 25,782 articles (maps, music, and periodicals) were transferred to the Library from the deposits received prior to July 1, 1909.

The act of March 4, 1909 (sec. 59), provides for the transfer to other governmental libraries in the District of Columbia "for use therein" of such copyright deposits as are not required by the Library of Congress, and during the present fiscal year 15,755 books were selected by the librarians and thus transferred to the libraries of the Bureau of Education, Bureau of Mines, Bureau of Standards, Department of Agriculture, War Department, Interstate Commerce Commission, Naval Observatory, Surgeon General's Office, Navy Department, Department of Justice, Weather Bureau, and the public library of the District of Columbia.

Under the provisions of the act of March 4, 1909, authority is granted for the return to the claimant of copyright of such copyright deposits as are not required by the Library. The notice required by section 60 has been printed during the year for all classes of works deposited and registered during the years 1880 to 1889, but no requests have so far

or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as hereinafter provided may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

*Transfer of
books to Library
of Congress*

*Music and maps
transferred*

*Books transferred to other
libraries*

*Return of de-
posits to copy-
right claimants*

been received to enable the return of articles. On the other hand, in response to special requests, 26 dramatic or musical compositions have been returned to the copyright claimants, and of the current deposits not needed by the Library of Congress the following have also been so returned, 16,353 books, 6,118 photographs, 13,015 prints, 4,555 contributions to periodicals, 3,070 periodicals; a total of 43,137 articles.

Request of copies

In response to inquiries during the year from the Card Section, the Order Division, and the Reading Room, in regard to 503 books supposed to be copyrighted but not found in the Library, it was discovered that 79 of these works were already in the Library, 119 of the books had been deposited and were still in the Copyright Office, 39 works were either not published, did not claim copyright, or for other reasons could not be deposited, and in the case of 101 works no answers to our letters of inquiry had been received up to June 30, 1912. Copies were received of 165 works in all, in response to request made by the Copyright Office during the period of 12 months.

THE COPYRIGHT INDEX AND CATALOGUE, BULLETINS, AND CIRCULARS

Index cards

The copyright registrations are indexed upon cards. The cards made are first used as copy for the printed catalogue and after printing are added to the permanent card indexes of the copyright entries. The temporary cards made for the printed indexes, etc., to the catalogue (numbering 78,517 during the fiscal year) are eliminated; the remaining cards (120,237 for the fiscal year) are added to the permanent card indexes, now numbering considerably over 2,000,000 cards.

*Catalogue of
Copyright Entries*

The publication of the Catalogue of Copyright Entries has been continued as required by law. For convenience of search the volumes are made to cover the works published and deposited during the calendar year rather than the fiscal year. Five volumes of the Catalogue of Copyright Entries were printed during the calendar year 1911, containing a total of 6,842 pages, divided as follows: Part I, Group 1, Books, volume 8, contains 1,252 pages of text and 242 pages of index, a total of 1,494 pages; Part I, Group 2, Pamphlets, leaflets, contributions to periodicals, lectures,

dramas, maps, etc., volume 8, contains 1,208 pages of text and 269 pages of index, a total of 1,477 pages; Part II, periodicals, volume 6, contains 698 pages of text and 50 pages of index, a total of 748 pages; Part III, Music, volume 6, contains 1,848 pages of text and 554 pages of index, a total of 2,402 pages; Part IV, Fine Arts, etc., volume 6, contains 667 pages of text and 54 pages of index, a total of 721 pages.

Each part of the catalogue is sold separately at a nominal annual subscription rate within the maximum price established by law, as follows:

*Subscription
price*

Part I, Books, pamphlets, dramatic compositions, and maps (two volumes); \$1; Part II, Periodicals, 50 cents; Part III, Musical compositions (a very bulky volume), \$1; Part IV, Prints, including chromos and lithographs, photographs, and the descriptions of original works of art—paintings, drawings, and sculpture—50 cents. The price for the entire catalogue for the year is \$3. The subscriptions, by express provisions of the copyright act, are required to be paid to the Superintendent of Documents (Office of the Public Printer, Washington, D. C.), and all subscriptions must be for the complete year for each part desired.

All books included in the Catalogue of Copyright Entries for which printed cards are made are catalogued by the Catalogue Division of the Library of Congress. The cards are printed first and the linotype slugs are at once used for the Catalogue of Copyright Entries, thus saving the cost of resetting. To avoid delay special effort is made to forward promptly the books deposited, and 10,854 books and pamphlets were delivered to the Catalogue Division during the fiscal year on the actual day of their receipt in the Copyright Office. The Catalogue Division titles are sometimes returned to the Copyright Office in 6 or 7 days; but (exclusive of cases of delay due to the necessity for correspondence to secure the name of the author, etc.), the average period is from 18 to 20 days. As soon as enough titles are received to make up not less than 4 full pages of the catalogue, they are sent to the printer. By this method signatures for the catalogue of books are printed every other day, three issues each week. Each printed signature contains the actual date of printing and is given a consecutive number. The pages are numbered consecutively, as well as the titles, to

*Catalogue of
books*

make one yearly volume of solid bibliographical text. The monthly indexes for books are printed in separate numbers which contain also the lists of copyright renewals and any miscellaneous text matter, such as copyright proclamations, notices, etc. A complete yearly index of authors and proprietors is supplied for each volume to take the place of the monthly indexes when the catalogue is bound.

Foreign books deposited The considerable deposit of foreign books made under the operation of the present copyright law adds a new element of value to the catalogue of copyrighted books. More than ten thousand volumes were deposited of books printed in languages other than English, and nearly 1,500 volumes of books printed abroad in the English language.

Copyright publications: New English law The new British copyright act which went into effect on July 1, 1912, was printed as "Bulletin No. 16" of the Copyright Office entitled "Copyright in England." To the full text of the new law were added the texts of the previous copyright acts not repealed, and the whole was supplied with a complete and carefully made index. (54 pp. 8°.)

Copyright proclamation: Cuba In addition, a small edition was printed and distributed of the presidential proclamation in regard to the provisions of section 1 (e) of the copyright act, relating to the mechanical reproduction of music in behalf of Cuba, November 27, 1911. (Circular No. 46.)

SUMMARY OF COPYRIGHT BUSINESS

<i>Summary of copyright business</i>	Balance on hand July 1, 1911.....	\$7,377.33
	Gross receipts July 1, 1911, to June 30, 1912. 120, 149. 51	
	Total to be accounted for.....	127, 526. 84
	Refunded.....	3, 506. 38
	Balance to be accounted for.....	\$124, 020. 46
	Applied as earned fees.....	116, 685. 05
	Balance carried over to July 1,	
<i>1912:</i>		
	Trust funds.....	\$6, 282. 09
	Unfinished business July 1, 1897, to June 30, 1912, 15 years.....	1, 053. 32
		7, 335. 41
		\$124, 020. 46
	Total fees earned and paid into the Treasury during the 15 years from July 1, 1897, to June 30, 1912.....	\$1, 189, 666. 70
	Total unfinished business for 15 years.....	1, 053. 32

FEES FOR FISCAL YEAR

	<i>Fees</i>
Fees for registrations, including certificates at \$1 each.....	\$108,393.00
Fees for registrations of photographs without certificates, at 50 cents each.....	5,594.50
Fees for registration of renewals, at 50 cents each.....	674.50
Total fees for registrations recorded.....	\$114,662.00
Fees for certified copies of record, at 50 cents each.....	528.50
Fees for recording assignments.....	1,209.00
Searches made and charged for at the rate of 50 cents for each hour of time consumed.	148.50
Notices of user recorded.....	91.25
Indexing transfers of proprietorship.....	45.80
	2,023.05
Total fees for fiscal year 1911-12.....	\$116,685.05

ENTRIES

	<i>Entries</i>
Number of copyright registrations.....	119,582
Number of renewals recorded.....	1,349
Total number of entries recorded.....	120,931
Number of certified copies of record.....	1,057
Number of assignments recorded or copied.....	892

The greater part of the business of the Copyright Office is done by correspondence. The total letters and parcels received during the fiscal year numbered 140,305, while the letters, certificates, parcels, etc., dispatched numbered 154,436. Letters received transmitting remittances numbered 44,285, including money orders to the number of 29,190. During the last 15 fiscal years the money orders received numbered 376,147.

*Correspondence
money orders, etc.*

CONDITION OF COPYRIGHT OFFICE WORK

(a) Current work

At this date (July 5, 1912) the remittances received up to the third mail of the day have been recorded. The account books of the bookkeeping division are written up and posted to June 30, and the accounts rendered to the Treasury Department are settled up to and including the month of

*Condition of cur-
rent work*

June, while earned fees to June 30, inclusive, have been paid into the Treasury.

All copyright applications received up to and including June 30 have been passed upon and refunds made. The total unfinished business for the full 15 years from July 1, 1897, to June 30, 1912, amounted on the latter date to \$1,053.32.

At the close of business on July 5, 1912, of the works deposited for copyright registration up to and including June 30, there remained to be recorded: Class A, Books, 61; Class E, Music, 29; Class J, Photographs, 39; Class K, Prints, 21.

(b) *Deposits received prior to July 1, 1897*

*Deposits prior to
July 1, 1897*

During the fiscal year 1911-12 about 9,600 articles received prior to July 1, 1897, were handled in the work of crediting such matter to the proper entries. Of these articles 7,528 pieces (including 3,304 pamphlets and leaflets, 4,103 periodical contributions, 42 engravings, and 79 miscellaneous) were credited to their respective entries and were properly filed. Periodical deposits to the number of 563 were given proper credit preparatory to their disposal through the Order division of the Library of Congress. Entries were located for about 2,000 additional articles and these were arranged by their entry numbers to facilitate later crediting. In addition 1,300 photographs, hitherto arranged only by year, were arranged by entry numbers. No entries could be found for about 200 articles. The examination of this old material becomes proportionally slow and its identification more difficult as the remaining material presents fewer clues under which search can be made for possible entries. Meantime, the pressure of the current copyright business has been so great as to oblige the transfer of the clerks from the old unfinished material to the current work from time to time.

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT.
RELATIONS

I. *Legislation*

Copyright bills

The new copyright law has now been in force three full years and certain amendatory legislation has been suggested. Various copyright bills were proposed during the fiscal year

in the second session of the Sixty-second Congress. Mr. Townsend, of New Jersey, introduced on December 9, 1911, a bill (H. R. 15263)¹ to amend section 25 of the act of March 4, 1909, to limit recovery to \$100 in the case of the infringement of a dramatic or dramatico-musical composition by means of motion pictures. The same bill was presented to the Senate on January 8, 1912, by Mr. Briggs (S. 4233).² Public hearings on Mr. Townsend's bill were held in the committee room of the House Committee on Patents on January 24 and February 12 and 21, and led to the introduction by Mr. Townsend on February 21 of a substitute bill (H. R. 20595),³ reprinted on the same day to secure the inclusion of an additional provision as H. R. 20596.⁴ A fourth hearing on the Townsend bill was held in the House committee room on March 13, and on March 26 a new bill was introduced by Mr. Townsend (H. R. 22350)⁵ proposing to amend section 5, by including motion pictures as subject matter of copyright; section 11, by providing for the deposit and registration of motion pictures; and section 25, by new provisions as to damages in the case of infringement by means of motion pictures. A fifth hearing was held in the House committee room on March 27, and further statements and arguments were submitted in favor of the Townsend bill. On May 7, Mr. Townsend introduced a new text of his bill, with slight changes (H. R. 24224);⁶ presented to the Senate

¹ 1911 (Dec. 9). A bill to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Townsend. H. R. bill No. 15263. Printed, 3 pp., 4°. [Referred to the Committee on Patents.]

² 1912 (Jan. 8). A bill to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Briggs. Senate bill No. 4233. Printed, 3 pp., 4°. [Referred to the Committee on Patents.]

³ 1912 (Feb. 21). A bill to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Townsend. H. R. bill No. 20595. Printed, 5 pp., 4°. [Referred to the Committee on Patents.]

⁴ 1912 (Feb. 21). A bill to amend section 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Townsend. H. R. bill No. 20596. Printed, 5 pp., 4°. [Referred to the Committee on Patents.]

⁵ 1912 (Mar. 26). A bill to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Townsend. H. R. bill No. 22350. Printed, 7 pp., 4°. [Referred to the Committee on Patents.]

⁶ 1912 (May 7). A bill to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Townsend. H. R. bill No. 24224. Printed, 7 pp., 4°. [Referred to the Committee on Patents.] (See note at foot of page 138.)

Townsend bills:
H. R. 15263

S. 4233

H. R. 20595
H. R. 20596

H. R. 22350

H. R. 24224

S. 6875

H. R. report 756

by Mr. Smoot on May 20 (S. 6875),¹ and reported to the House on May 24 (House Report no. 756)² with the recommendation that it be passed without amendment. On June 17 the Townsend bill (H. R. 24224) was, by "unanimous consent," debated in the House of Representatives and passed, after amendment striking out the provision for a minimum damage of \$50 in the case of the infringement of an undramatized or nondramatic work by means of motion pictures. The House act was presented to the Senate on June 24, read twice, and referred to the Committee on Patents.* (See note below.)

H. R. 21295

H. R. 22351

H. R. 21776

While the Townsend bill was under consideration by the House Committee on Patents the following bills, dealing with the same subject matter, were introduced in the House of Representatives. By Mr. Moon of Pennsylvania, on March 4, a bill (H. R. 21295)³ to amend sections 5 and 11 of the act of March 4, 1909, to provide for the copyright of motion pictures. On March 26 Mr. Moon reintroduced his bill (H. R. 22351)⁴ with a text identical with the Townsend bill of the same date (H. R. 22350). On March 12 Mr. Barchfeld introduced a bill (H. R. 21776)⁵ proposing to add to section 5 of the act of March 4, 1909, the following proviso: "That nothing in this act shall be construed to give, directly or indirectly, copyright to any work created or designed for production, reproduction,

¹ 1912 (May 20). A bill to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Smoot. Senate bill No. 6875. Printed, 7 pp., 4°. [Referred to the Committee on Patents.]

² 1912 (May 24). Statute in relation to copyrights. Mr. Morrison, from the Committee on Patents, submitted the following report (to accompany H. R. bill No. 24224). H. R. report No. 756. Printed, 4 pp., 8°.

³ 1912 (Mar. 4). A bill to amend sections 5 and 11 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Moon of Pennsylvania. H. R. bill No. 21295. Printed, 3 pp. 4°. [Referred to the Committee on Patents.]

⁴ 1912 (Mar. 26). A bill to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Moon of Pennsylvania. H. R. bill No. 22351. Printed, 7 pp. 4°. [Referred to the Committee on Patents.]

⁵ 1912 (Mar. 12). A bill to amend section 5 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Barchfeld. H. R. bill No. 21776. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

* NOTE.—Subsequent to the date of this report, on July 8, the Senate Committee on Patents favorably reported the bill (S. report No. 906), and on August 24 the bill was approved and became law.

exhibition, or use in, upon, or through the medium of any patented machine, device, or apparatus."

On March 26 Mr. Morrison, of the House Committee on Patents, introduced a bill (H. R. 22356)¹ to amend section 55 of the act of March 4, 1909, to make the certificate of copyright *prima facie* evidence of copyright. Discussion of this bill took place in the committee room of the House Committee on Patents next day and resulted in the introduction by Mr. Morrison, on March 29, of a substitute bill (H. R. 22586)² proposing amendments to section 55 to include certain additional statements in the certificate of copyright, such certificate to be "admitted in any court as *prima facie* evidence of the facts stated therein." Amended texts were submitted to the House by Mr. Morrison on April 16 (H. R. 23416)³ and on April 20 (H. R. 23568),⁴ this last bill being also presented to the Senate on June 5 by Mr. Smoot (S. 7062).⁵ On June 6 the House Committee on Patents reported the bill (H. R. 23568) with two slight amendments and the recommendation that after such amendment the bill should be passed (H. R. report No. 847),⁶ but no further action took place.*

The following additional copyright bills were introduced during the fiscal year. On December 6, 1911, by Mr.

¹ 1912 (Mar. 26). A bill to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Morrison. H. R. bill No. 22356. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

² 1912 (Mar. 29). A bill to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Morrison. H. R. bill No. 22586. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

³ 1912 (Apr. 16). A bill to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Morrison. H. R. bill No. 23416. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

⁴ 1912 (Apr. 20). A bill to amend section 55 of "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Morrison. H. R. bill No. 23568. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

⁵ 1912 (June 5). A bill to amend section 55 of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909. Presented by Mr. Smoot. Senate bill No. 7062. Printed, 2 pp. 4°. [Referred to the Committee on Patents.]

⁶ 1912 (June 6). Amendment of laws relating to copyrights. Mr. Oldfield, from the Committee on Patents, submitted the following report (to accompany H. R. 23568). Senate report No. 847. Printed, 3 pp. 8°.

*NOTE.—Subsequent to the date of this report, on July 15, the House of Representatives accepted the amendments proposed by the committee and passed the bill H. R. 23568 as thus amended.

H. R. 22356

H. R. 22586

H. R. 23416

H. R. 23568

S. 7062

H. R. report 847

H. R. 14668

Stephens of Texas, a bill (H. R. 14668)¹ to provide for international reciprocity in regard to patents and copyrights. On January 4, 1912, by Mr. Campbell, "A bill suspending the patent and copyright laws of the United States when a patent or copyright, or any article or product protected by patent or copyright, is owned, used, or leased by any trust or monopoly in restraint of trade in violation of the act of February 4, 1887" (H. R. 16828).²

H. R. 16828

This is the same bill, with minor changes, which was introduced by Mr. Campbell on April 10, 1911 (H. R. 2930 of 62d Cong., 1st sess.). On May 28, 1912, Mr. Mott

H. R. 24925

presented a bill (H. R. 24925)³ proposing to include in the list of the classes of articles subject-matter of copyright, "Labels, trade-marks, firm names, and special designs, pictures, prints, wrappers, cartons, containers, and advertisements which are specifically created for individual trades, manufactures, or businesses, engraved, printed, colored, or produced in any manner whatsoever." The bill also proposes to strike out the misdemeanor clause in section 28 of the act of March 4, 1909.

For the full texts of these copyright bills see pages 159-179 of this report.

Copyright hearings

Statements and arguments were submitted to the House Committee on Patents at the hearings held before that committee on January 24, February 14 and 21, March 13 and 27, and April 3, by the Hon. Edward W. Townsend, the Hon. Reuben O. Moon; Mr. Frank L. Dyer, president of the Edison Electric Co.; Mr. John J. O'Connell, representing the Motion Picture Patent Co. of New York City; Mr. Augustus Thomas, representing the Society of American Dramatists and Composers; Mr. William A. Brady, presi-

¹ 1911 (Dec. 6). A bill requiring any citizen of a foreign country who may procure a copyright or letters patent from the United States to pay to the United States for such copyright or patent the same amount of fees and to subject himself to the same laws, rules, and regulations relating to such patent, its use and control, as the Government of such foreign country exacts by its laws and regulations from citizens of the United States, and for other purposes. Presented by Mr. Stephens of Texas. H. R. bill No. 14688. Printed, 3 pp. 4°. [Referred to the Committee on Patents.]

² 1912 (Jan. 4). A bill suspending the patent and copyright laws of the United States when a patent or copyright, or any article or product protected by patent or copyright, is owned, used, or leased by any trust or monopoly in restraint of trade in violation of the act of Feb. 4, 1887. Presented by Mr. Campbell. H. R. bill No. 16828. Printed, 3 pp. 4°. [Referred to the Committee on Patents.]

³ 1912 (May 28). A bill to amend the copyright law passed Mar. 4, 1909. Presented by Mr. Mott. H. R. bill No. 24925. Printed, 3 pp. 4°. [Referred to the Committee on Patents.]

dent of the National Association of Producing Managers, of New York City; Mr. Ligon Johnson, attorney, New York City; the Librarian of Congress, and the Register of Copyrights. The stenographic report of the hearings has been printed, with an appendix volume containing documents in the case of *Greater New York Film Rental Co. v. Motion Picture Patents Co. et al.*¹

II. *International copyright relations*

In my report for the fiscal year 1910-11, reference was made to the important fact that the United States had signed at Buenos Aires on August 11, 1910, the Fourth Pan American "Convention concerning literary and artistic copyright," and that its ratifications was approved by the Senate on February 15, 1911. On December 7, 1911, the President in his message to Congress on our foreign relations reported as follows:

"The four important conventions signed at the Fourth Pan American Conference at Buenos Aires, providing for the regulation of trade marks, patents, and copyrights, and for the arbitration of pecuniary claims, have, with the advice and consent of the Senate, been ratified on the part of the United States and the ratifications have been deposited with the Government of the Argentine Republic in accordance with the requirements of the conventions. I am not advised that similar action has been taken by any other of the signatory Governments."

On November 27, 1911, the President published a proclamation to the effect that citizens of Cuba "are entitled to all the benefits of section 1(e) of the act of March 4, 1909, including "copyright controlling the parts of instruments serving to reproduce mechanically the musical work," in the case of all musical compositions by Cuban composers which have been published since May 29, 1911, and have been duly registered for copyright in the United States.

A copyright treaty between the United States and Hungary was signed at Budapest on January 30, 1912. It was

¹ "Townsend Copyright Amendment. Complete file of arguments before the Committee on Patents, House of Representatives, on H. R. 15263 and H. R. 20596, commencing January 24, 1912." 116 pp. 8°. Washington, Government Printing Office, 1912.

"Exhibit Special. Supreme Court of the State of New York. Greater New York Film Rental Co., plaintiff, against Motion Picture Patents Co., and others, defendants. Summons, complaint, affidavits, injunction, and order to show cause." Washington, Government Printing Office, 1912.

submitted to the Senate for its advice as to ratification on March 8, 1912, but up to the date of this report the Senate has not recommended its ratification.* (See note below.)

Copyright cases reported

So much interest is felt in regard to the judicial interpretation of the provisions of the new copyright statute of March 4, 1909, that it seems desirable to reprint here the more important decisions which have been rendered by the courts in copyright causes; they may be found as Addendum II, pages 181-216.

Respectfully submitted

THORVALD SOLBERG

Register of Copyrights

HERBERT PUTNAM

Librarian of Congress

EXHIBIT A—*Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1912*

	Gross cash receipts	Refunds	Net receipts	Fees applied
1911				
July.....	\$8,831.36	\$290.57	\$8,540.79	\$7,301.80
August.....	8,687.42	151.66	8,535.76	8,377.80
September.....	9,256.83	190.10	9,066.73	10,796.65
October.....	10,579.96	253.30	10,326.66	10,959.20
November.....	9,328.47	405.44	8,923.03	8,852.50
December.....	11,721.86	256.88	11,464.98	9,698.85
1912				
January.....	13,655.73	254.25	13,401.48	11,214.30
February.....	10,204.08	267.11	9,936.97	9,502.25
March.....	9,869.01	303.94	9,565.07	11,237.30
April.....	10,007.36	375.82	9,631.54	9,756.00
May.....	9,134.76	301.90	8,832.86	9,595.30
June	8,872.67	455.41	8,417.26	9,393.10
Total.....	120,149.51	3,506.38	116,643.13	116,685.05
Balance brought forward from June 30, 1911.....				\$7,377.33
Net receipts July 1, 1911, to June 30, 1912:				
Gross receipts.....			\$120,149.51	
Less amount refunded.....			3,506.38	
				116,643.13
Total to be accounted for.....				124,020.46
Copyright fees applied July 1, 1911, to June 30, 1912			116,685.05	
Balance carried forward to July 1, 1912:				
Trust funds.....			6,282.09	
Unfinished business.....			1,053.32	
				124,020.46

*NOTE.—Since this report was submitted, ratification was advised by the Senate on July 23, the ratifications were exchanged September 16, and the convention went into effect on October 16, 1912. It is, therefore, printed as Addendum III to this report, page 217.

EXHIBIT B—Statement of fees paid into Treasury

Date	Check No.	Amount	Date	Check No.	Amount
1911					
July 10.....	884	\$900.00	Jan. 8.....	916	\$865.00
17.....	885	1,900.00	15.....	917	2,900.00
24.....	886	1,700.00	22.....	918	3,000.00
30.....	887	1,800.00	29.....	919	2,400.00
Aug. 5.....	888	1,001.80	Feb. 5.....	920	2,049.30
7.....	889	800.00	6.....	921	1,000.00
14.....	890	1,500.00	12.....	922	1,700.00
21.....	891	1,400.00	19.....	923	2,400.00
28.....	892	2,000.00	26.....	924	2,100.00
Sept. 5.....	893	2,300.00	Mar. 4.....	925	2,100.00
8.....	894	377.80	6.....	926	202.25
11.....	895	1,900.00	11.....	927	2,300.00
18.....	896	2,500.00	18.....	928	2,600.00
25.....	897	2,700.00	25.....	929	2,600.00
Oct. 2.....	898	2,800.00	Apr. 1.....	930	2,600.00
6.....	899	896.65	4.....	931	1,137.30
9.....	900	1,400.00	8.....	932	1,200.00
16.....	901	2,300.00	15.....	933	2,400.00
23.....	902	2,700.00	22.....	934	1,900.00
30.....	903	2,600.00	29.....	935	2,400.00
Nov. 6.....	904	1,959.20	May 6.....	936	1,500.00
7.....	905	800.00	8.....	937	356.00
13.....	906	1,700.00	13.....	938	2,400.00
20.....	907	2,300.00	20.....	939	1,900.00
27.....	908	2,100.00	27.....	940	2,600.00
Dec. 4.....	909	1,700.00	June 3.....	941	2,300.00
6.....	910	252.50	5.....	942	395.30
11.....	911	2,000.00	10.....	943	1,500.00
18.....	912	2,100.00	17.....	944	2,600.00
26.....	913	2,300.00	24.....	945	2,000.00
1912					
Jan. 2.....	914	2,300.00	July 1.....	946	2,200.00
6.....	915	998.85	5.....	947	1,093.10
			Total.....		116,685.05

EXHIBIT C—*Record of applied fees*

Month	Number of registrations, including certificate	Fees at \$1 each	Number of registrations, photographs, no certificate	Fees at 50 cents each	Number of renewal registrations	Fees at 50 cents each	Total number of registrations	Total fees for registrations		
1911										
July.....	6,690	\$6,690.00	913	\$456.50	78	\$39.00	7,681	\$7,185.50		
August.....	7,636	7,636.00	1,238	619.00	83	41.50	8,957	8,296.50		
September...	10,163	10,163.00	924	462.00	68	34.00	11,155	10,659.00		
October.....	10,144	10,144.00	1,253	626.50	96	48.00	11,493	10,818.50		
November...	8,328	8,328.00	730	365.00	28	14.00	9,086	8,707.00		
December...	9,203	9,203.00	629	314.50	93	46.50	9,925	9,564.00		
1912										
January.....	10,325	10,325.00	1,104	552.00	162	81.00	11,591	10,958.00		
February....	8,608	8,608.00	1,173	586.50	296	148.00	10,077	9,342.50		
March.....	10,592	10,592.00	702	351.00	162	81.00	11,456	11,024.00		
April.....	9,066	9,066.00	956	478.00	124	62.00	10,146	9,606.00		
May.....	9,006	9,006.00	744	372.00	121	60.50	9,871	9,438.50		
June.....	8,632	8,632.00	823	411.50	38	19.00	9,493	9,062.50		
Total....	108,393	108,393.00	11,189	5,594.50	1,349	674.50	120,931	114,662.00		
Month	Copies of record	Fees at 50 cents each	Assignments and copies	Fees for assignments	Notice of user in re music	Fees for notice of user	Indexing transfer of proprietor	Fees at 10 cents each	Search fees	Total applied fees
1911										
July.....	26	\$13.00	35	\$84.00	16	\$4.00	28	\$2.80	\$12.50	\$7,301.80
August.....	44	22.00	42	51.00	8	2.00	23	2.30	4.00	8,377.80
September...	109	54.50	52	59.00	41	10.25	4	.40	13.50	10,796.65
October.....	104	52.00	52	62.00	68	17.00	17	1.70	8.00	10,959.20
November...	66	33.00	63	76.00	26	6.50	115	11.50	18.50	8,852.50
December...	52	26.00	85	93.00	29	7.25	31	3.10	5.50	9,698.85
1912										
January....	155	77.50	98	158.00	22	5.50	23	2.30	13.00	11,214.30
February....	113	56.50	46	60.00	47	11.75	10	1.00	30.50	9,502.25
March.....	158	79.00	75	109.00	22	5.50	48	4.80	15.00	11,237.30
April.....	67	33.50	58	96.00	32	8.00	35	3.50	9.00	9,756.00
May.....	75	37.50	66	94.00	28	7.00	53	5.30	13.00	9,595.30
June.....	88	44.00	220	267.00	26	6.50	71	7.10	6.00	9,393.10
Total....	1,057	528.50	892	1,209.00	365	91.25	458	45.80	148.50	116,685.05

EXHIBIT D—Copyright business (*monthly comparison*). Annual report for the fiscal year from July 1, 1911, to June 30, 1912

[COMPARATIVE MONTHLY STATEMENT OF GROSS CASH RECEIPTS, EXECUTED BUSINESS, NUMBER OF REGISTRATIONS, DAILY AVERAGES, ETC.]

	Gross receipts			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average
1911				
July.....	\$8,831.36		\$305.33	\$353.25
August.....	8,687.42		143.94	321.76
September.....	9,256.83	\$569.41		370.27
October.....	10,579.96	1,323.13		406.92
November.....	9,328.47		1,251.49	373.13
December.....	11,721.86	2,393.39		468.87
1912				
January.....	13,655.73	1,933.87		525.22
February.....	10,204.08		3,451.65	425.17
March.....	9,869.01		335.07	379.58
April.....	10,007.36	138.35		384.90
May.....	9,134.76		872.60	351.33
June.....	8,872.67		262.09	354.90
Total.....	120,149.51			
Business executed				
	1911-12	Increase	Decrease	Daily average
1911				
July.....	\$7,301.80		\$3,160.45	\$292.07
August.....	8,377.80	\$1,076.00		310.29
September.....	10,796.65	2,418.85		431.87
October.....	10,959.20	162.55		421.51
November.....	8,852.50		2,106.70	354.10
December.....	9,698.85	846.35		468.87
1912				
January.....	11,214.30	1,515.45		431.31
February.....	9,502.25		1,712.05	395.93
March.....	11,237.30	1,735.05		432.20
April.....	9,756.00		1,481.30	375.23
May.....	9,595.30		160.70	369.05
June.....	9,393.10		202.20	375.72
Total.....	116,685.05			

EXHIBIT D—Copyright business (*monthly comparison*). Annual report for the fiscal year from July 1, 1911, to June 30, 1912—Continued

	Number of registrations			
	Totals	Increase	Decrease	Daily average
1911				
July.....	7,681	.....	3,185	307
August.....	8,957	1,276	.....	332
September.....	11,155	2,198	.....	446
October.....	11,493	338	.....	442
November.....	9,086	.....	2,407	363
December.....	9,925	839	.....	397
1912				
January.....	11,591	1,666	.....	446
February.....	10,077	.....	1,514	420
March.....	11,456	1,379	.....	440
April.....	10,146	.....	1,310	390
May.....	9,871	.....	275	380
June.....	9,493	.....	378	380
Total.....	120,931	.....	.....	.....

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 15 fiscal years 1897–98, 1898–99, 1899–1900, 1900–1901, 1901–2, 1902–3, 1903–4, 1904–5, 1905–6, 1906–7, 1907–8, 1908–9, 1909–10, 1910–11, 1911–12

GROSS RECEIPTS

Month	1897–98	1898–99	1899–1900	1900–1901	1901–2
July.....	\$4,257.70	\$5,102.74	\$5,156.87	\$5,571.51	\$5,382.28
August.....	4,525.27	4,675.96	4,846.97	5,864.68	4,880.60
September.....	5,218.87	4,714.82	6,078.95	4,986.62	5,295.87
October.....	5,556.21	5,149.07	5,583.59	6,027.36	5,399.03
November.....	4,292.88	4,788.30	5,479.15	5,068.11	5,019.10
December.....	6,512.60	6,435.56	6,728.06	7,332.53	7,201.64
January.....	6,074.03	6,050.86	7,649.80	7,155.68	7,604.08
February.....	4,606.92	5,141.40	5,523.47	4,803.50	4,810.59
March.....	5,138.78	6,300.02	6,515.43	6,049.07	5,899.56
April.....	5,053.21	5,198.69	6,086.82	5,789.03	5,580.14
May.....	5,386.93	5,593.50	5,660.36	5,580.11	5,762.92
June.....	4,476.16	5,034.73	5,762.86	5,297.05	5,569.27
Total.....	61,099.56	64,185.65	71,072.33	69,525.25	68,405.08

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 15 fiscal years, etc.—Continued

GROSS RECEIPTS—Continued

Month	1902-3	1903-4	1904-5	1905-6	1906-7
July.....	\$5,429. 52	\$5,380. 97	\$5,540. 30	\$5,779. 98	\$6,469. 68
August.....	4,504. 56	4,958. 30	5,770. 70	6,071. 25	5,601. 93
September.....	5,539. 67	5,658. 48	6,849. 35	6,405. 60	6,137. 15
October.....	5,651. 16	6,323. 42	6,704. 89	6,789. 36	6,786. 13
November.....	5,646. 93	5,303. 93	6,056. 79	6,310. 94	6,920. 64
December.....	8,005. 75	8,581. 60	7,699. 47	7,981. 03	7,856. 74
January.....	8,053. 81	7,502. 53	8,946. 60	9,321. 94	10,992. 30
February.....	5,360. 48	6,185. 14	6,029. 62	6,259. 18	6,318. 95
March.....	6,119. 54	6,567. 73	7,311. 90	6,965. 43	7,662. 29
April.....	6,005. 89	5,996. 58	6,806. 66	6,954. 68	7,524. 81
May.....	5,395. 02	6,540. 88	6,531. 99	6,814. 08	8,173. 59
June.....	5,821. 58	6,303. 27	6,192. 29	6,957. 45	6,940. 10
Total.....	71,533. 91	75,302. 83	80,440. 56	82,610. 92	87,384. 31
Month	1907-8	1908-9	1909-10	1910-11	1911-12
July.....	\$6,772. 43	\$6,498. 83	\$8,244. 05	\$7,660. 44	\$8,831. 36
August.....	7,179. 19	6,193. 68	8,451. 80	7,425. 97	8,687. 42
September.....	6,605. 38	6,606. 26	9,032. 45	8,800. 67	9,256. 83
October.....	7,343. 10	7,306. 88	9,635. 19	9,288. 51	10,579. 96
November.....	6,327. 06	6,546. 78	9,166. 19	8,636. 00	9,328. 47
December.....	7,386. 04	7,873. 33	11,504. 01	11,907. 32	11,721. 86
January.....	9,260. 75	10,192. 88	12,198. 02	13,564. 79	13,655. 73
February.....	6,558. 38	7,303. 02	8,450. 90	9,096. 69	10,204. 08
March.....	7,048. 94	7,894. 60	9,912. 31	9,984. 89	9,869. 01
April.....	7,460. 41	7,360. 88	9,185. 51	9,122. 67	10,007. 36
May.....	6,334. 10	6,522. 35	8,410. 45	9,036. 88	9,134. 76
June.....	6,766. 25	6,786. 04	9,471. 95	9,136. 69	8,872. 67
Total.....	85,042. 03	87,085. 53	113,662. 83	113,661. 52	120,149. 51

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 15 fiscal years, etc.—Continued

BUSINESS EXECUTED

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2
July.....	\$3,769.00	\$4,724.50	\$4,789.50	\$5,115.00	\$4,886.50
August.....	4,296.00	4,266.50	4,709.50	5,404.50	4,837.50
September.....	4,559.50	4,537.50	5,357.50	4,738.00	4,828.00
October.....	4,899.00	4,744.00	5,317.00	5,494.50	5,175.50
November.....	4,062.00	4,269.50	4,810.50	4,500.50	4,360.00
December.....	5,262.00	5,088.50	5,183.00	6,339.00	6,176.50
January.....	6,224.50	6,192.50	8,000.50	6,410.50	7,765.00
February.....	4,204.00	4,505.50	5,032.50	4,546.50	4,629.00
March.....	4,865.00	5,312.50	5,871.50	5,416.50	5,473.50
April.....	4,835.50	4,899.00	5,535.50	5,653.50	5,271.50
May.....	4,610.50	5,076.00	5,229.50	5,045.50	5,808.00
June.....	4,339.50	4,651.00	5,369.50	5,023.50	5,475.00
Total.....	55,926.50	58,267.00	65,206.00	63,687.50	64,687.00
Month	1902-3	1903-4	1904-5	1905-6	1906-7
July.....	\$4,781.00	\$5,001.00	\$5,553.50	\$5,520.50	\$6,350.00
August.....	4,599.00	5,043.50	5,707.50	5,734.50	5,584.50
September.....	5,388.50	5,406.00	6,431.50	6,171.50	5,559.00
October.....	5,492.50	5,945.50	6,873.00	6,752.00	6,865.50
November.....	5,242.00	5,250.50	5,653.00	5,802.00	6,420.50
December.....	7,228.50	7,441.00	6,760.00	7,458.00	7,863.50
January.....	8,107.00	8,120.50	9,432.50	9,719.00	10,590.00
February.....	5,159.00	6,001.50	5,544.50	6,076.50	6,190.00
March.....	5,993.00	6,146.50	7,266.00	6,777.50	7,399.50
April.....	6,025.00	5,953.50	6,635.00	6,610.00	7,145.50
May.....	5,074.50	6,160.00	6,014.50	7,020.50	7,883.50
June.....	5,784.50	6,159.50	6,187.00	6,556.00	6,833.50
Total.....	68,874.50	72,629.00	78,058.00	80,198.00	84,685.00
Month	1907-8	1908-9	1909-10	1910-11	1911-12
July.....	\$6,509.00	\$6,200.50	\$4,975.90	\$7,069.70	\$7,301.80
August.....	6,820.00	5,875.00	7,707.90 ^b	6,831.65	8,377.80
September.....	6,682.00	6,408.50	8,523.10	9,050.40	10,796.65
October.....	6,819.00	7,188.50	9,067.50	9,293.85	10,959.20
November.....	6,181.00	6,227.50	9,584.90	8,852.35	8,852.50
December.....	6,889.00	7,657.75	10,066.40	9,897.35	9,698.85
January.....	9,247.50	10,206.00	9,044.90	10,441.80	11,214.30
February.....	6,203.50	6,693.50	8,138.80	10,093.60	9,502.25
March.....	6,885.00	7,772.50	10,146.85	9,665.65	11,237.30
April.....	7,189.50	6,852.50	9,449.70	9,476.50	9,756.00
May.....	6,186.00	6,525.50	8,267.45	8,778.85	9,595.30
June.....	6,776.00	6,209.00	9,671.55	10,462.25	9,393.10
Total.....	82,387.50	83,816.75	104,644.95	109,913.95	116,685.05

Register of Copyrights

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EXHIBIT E—*Statement of gross cash receipts, business executed, number of registrations, etc., for 15 fiscal years, etc.*—Continued

NUMBER OF REGISTRATIONS

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4
July.....	5,015	5,653	6,835	7,514	7,010	6,748	7,107
August.....	5,618	6,005	6,525	7,822	6,776	6,451	7,147
September....	6,106	6,188	7,571	6,685	6,684	7,132	7,605
October.....	6,368	6,316	7,627	7,901	7,305	7,771	8,289
November....	5,288	5,682	6,814	6,210	5,909	7,397	7,352
December....	7,408	7,288	7,284	9,693	9,190	10,792	10,248
January.....	9,220	9,556	12,808	9,871	12,241	12,808	12,546
February....	5,514	6,552	7,521	6,421	6,333	7,144	8,519
March.....	6,350	7,417	8,311	7,755	7,757	8,663	8,657
April.....	6,494	6,834	8,089	8,062	7,527	7,839	8,412
May.....	6,222	6,888	7,588	6,974	8,325	6,907	8,546
June.....	5,942	6,589	7,905	7,443	7,921	8,327	8,702
Total....	75,545	80,968	94,798	92,351	92,978	97,979	103,130

Month	1904-5	1905-6	1906-7	1907-8	1908-9	1909-10	1910-11	1911-12
July.....	7,778	8,241	9,023	9,594	8,985	5,106	7,465	7,681
August.....	8,059	8,337	8,142	10,004	8,190	8,124	7,262	8,957
September....	8,487	9,001	7,792	9,281	9,040	8,941	9,514	11,155
October.....	9,326	9,778	9,682	9,652	10,098	9,672	9,806	11,493
November....	8,109	8,317	9,374	8,804	8,820	9,969	9,232	9,086
December....	9,436	10,936	11,557	10,163	11,009	10,527	10,388	9,925
January.....	15,116	15,358	16,841	14,615	16,079	9,519	11,096	11,591
February....	7,939	8,639	8,991	8,863	9,301	8,414	10,476	10,077
March.....	10,879	9,628	10,750	9,999	11,005	10,481	9,948	11,456
April.....	10,066	9,402	10,422	10,316	9,612	9,808	9,916	10,146
May.....	8,845	10,411	11,317	8,616	9,076	8,532	9,229	9,871
June.....	9,334	9,656	9,938	9,838	8,916	9,981	10,866	9,493
Total....	113,374	117,704	123,829	119,742	120,131	109,074	115,198	120,931

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 15 fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS

Year	Gross receipts	Increase	Decrease
1897-98.....	\$61,099.56	.....	.....
1898-99.....	64,185.05	\$3,086.09	.....
1899-1900.....	71,072.33	6,886.68	.....
1900-1901.....	69,525.25	.....	\$1,547.08
1901-2.....	68,405.08	.....	1,120.17
1902-3.....	71,533.91	3,128.83	.....
1903-4.....	75,302.83	3,768.92	.....
1904-5.....	80,440.56	5,137.73	.....
1905-6.....	82,610.92	2,170.36	.....
1906-7.....	87,384.31	4,773.39	.....
1907-8.....	85,042.03	.....	2,342.28
1908-9.....	87,085.53	2,043.50	.....
1909-10.....	113,662.83	26,577.30	.....
1910-11.....	113,661.52	.....	1.31
1911-12.....	120,149.51	6,487.99	.....
Total.....	1,251,161.82	.....	.....

Year	Yearly fees	Increase	Decrease
1897-98.....	\$55,926.50	.....	.....
1898-99.....	58,267.00	\$2,340.50	.....
1899-1900.....	65,206.00	6,939.00	.....
1900-1901.....	63,687.50	.....	\$1,518.50
1901-2.....	64,687.00	999.50	.....
1902-3.....	68,874.50	4,187.50	.....
1903-4.....	72,629.00	3,754.50	.....
1904-5.....	78,058.00	5,429.00	.....
1905-6.....	80,198.00	2,140.00	.....
1906-7.....	84,685.00	4,487.00	.....
1907-8.....	82,387.50	.....	2,297.50
1908-9.....	83,816.75	1,429.25	.....
1909-10.....	104,644.95	20,828.20	.....
1910-11.....	109,913.95	5,269.00	.....
1911-12.....	116,685.05	6,771.10	.....
Total.....	1,189,666.70	.....	.....

EXHIBIT E—*Statement of gross cash receipts, business executed, number of registrations, etc., for 15 fiscal years, etc.*—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS—Continued

Year	Number of registrations	Increase	Decrease
1897-98.....	75,545	.....	.....
1898-99.....	80,968	5,423	.....
1899-1900.....	94,798	13,830	.....
1900-1901.....	92,351	.....	2,447
1901-2.....	92,978	627	.....
1902-3.....	97,979	5,001	.....
1903-4.....	103,130	5,151	.....
1904-5.....	113,374	10,244	.....
1905-6.....	117,704	4,330	.....
1906-7.....	123,829	6,125	.....
1907-8.....	129,742	.....	4,087
1908-9.....	120,131	389	.....
1909-10.....	109,074	.....	11,057
1910-11.....	115,198	6,124	.....
1911-12.....	120,931	5,733	.....
Total.....	1,577,732	.....	.....

EXHIBIT F—*Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, and 1911-12, arranged by classes*

	1901-2	1902-3	1903-4	1904-5
Class A. Books:				
(a) Books (vols.) and pamphlets.....	8,399	10,589	15,870	16,037
(b) Booklets, leaflets, circulars, cards.....	9,174	7,827	3,361	3,366
(c) Newspaper and magazine articles.....	6,699	8,050	8,593	10,457
Total.....	24,272	26,466	27,824	29,860
Class B. Periodicals (numbers).....	21,071	22,625	21,496	22,591
Class C. Musical compositions.....	19,706	21,161	23,110	24,595
Class D. Dramatic compositions.....	1,448	1,608	1,571	1,645
Class E. Maps and charts.....	1,708	1,792	1,767	1,831
Class F. Engravings, cuts, and prints.....	5,999	5,546	6,510	11,303
Class G. Chromos and lithographs.....	2,010	2,232	2,384	2,581
Class H. Photographs.....	13,923	13,519	14,534	15,139
Class I. Fine arts: Paintings, drawings, and sculpture.....	2,841	3,030	3,934	3,829
Grand total.....	92,978	97,979	103,130	113,374

EXHIBIT F—Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, and 1911-12, arranged by classes—Continued

	1905-6	1906-7	1907-8	1908-9
Class A. Books:				
(a) Books (vols.) and pamphlets.....	15,504	16,651	.....	.....
(b) Booklets, leaflets, circulars, cards.....	4,567	5,195	.....	.....
(c) Newspaper and magazine articles.....	9,190	9,033	.....	.....
Total.....	29,261	30,879	30,191	32,533
Class B. Periodicals (numbers).....	23,163	23,078	22,409	21,195
Class C. Musical compositions.....	26,435	31,401	28,427	26,306
Class D. Dramatic compositions.....	1,879	2,114	2,382	2,937
Class E. Maps and charts.....	1,672	1,578	2,150	1,949
Class F. Engravings, cuts, and prints.....	10,946	12,350	10,863	11,474
Class G. Chromos and lithographs.....	3,471	2,733	2,734	2,899
Class H. Photographs.....	17,269	15,836	16,704	16,764
Class I. Fine arts: Paintings, drawings, and sculpture.....	3,608	3,860	3,882	4,074
Grand total.....	117,704	123,829	119,742	120,131

	1909-10	1910-11	1911-12
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):			
(a) Printed in the United States.....	23,115	24,840	26,540
(b) Printed abroad in a foreign language.....	1,351	1,707	2,294
(c) English books registered for ad interim copyright	274	423	452
Total	24,740	26,970	29,286
Class B. Periodicals (numbers).....	21,608	23,393	22,580
Class C. Lectures, sermons, addresses.....	117	102	106
Class D. Dramatic or dramatico-musical compositions.....	3,911	3,415	3,767
Class E. Musical compositions.....	24,345	25,525	26,777
Class F. Maps.....	2,622	2,318	2,158
Class G. Works of art; models or designs.....	4,383	3,355	3,224
Class H. Reproductions of works of art.....	751	222	47
Class I. Drawings or plastic works of a scientific or technical character.....	317	232	500
Class J. Photographs	13,348	14,469	13,498
Class K. Prints and pictorial illustrations	11,925	14,269	17,639
Renewals.....	1,007	928	1,349
Total.....	109,074	115,198	120,931

EXHIBIT G—*Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9*

	1897-98	1898-99	1899- 1900	1900- 1901	1901-2
1. Books:					
(a) Books proper.....	5,575	5,834	6,550	7,746	7,027
(b) Volumes, circulars, leaflets, etc.....	4,698	4,196	5,073	5,770	6,259
(c) Newspaper and magazine articles.....	3,262	5,185	8,851	9,010	5,577
2. Dramatic compositions.....	391	507	561	634	815
3. Periodicals (numbers).....	13,746	9,777	14,147	17,702	19,573
4. Musical compositions.....	17,217	19,976	16,505	16,709	21,295
5. Maps and charts.....	1,296	1,478	1,353	1,718	1,566
6. Engravings, cuts, and prints.....	2,912	3,505	3,503	5,687	5,636
7. Chromos and lithographs.....	747	1,050	1,257	1,817	1,757
8. Photographs.....	5,777	7,695	12,115	13,064	13,884
9a. Miscellaneous (unclassified articles).....	375	14	.....	.....	.....
	55,976	59,217	69,915	79,857	83,389
Two copies of each article were received.....	111,952	118,434	139,830	159,714	166,778
9. Photographs with titles of works of art for identification, one copy each.....	853	1,709	1,614	2,569	2,948
Grand total.....	112,805	120,143	141,444	162,283	169,726

	1902-3	1903-4	1904-5	1905-6
1. Books:				
(a) Books proper.....	9,222	12,967	13,389	12,893
(b) Volumes, circulars, leaflets, etc.....	5,255	3,084	2,910	3,602
(c) Newspaper and magazine articles.....	7,097	7,883	9,081	7,833
2. Dramatic compositions.....	986	1,098	1,224	1,380
3. Periodicals (numbers).....	21,498	20,320	23,457	22,116
4. Musical compositions.....	19,801	21,203	22,984	24,801
5. Maps and charts.....	1,801	1,547	1,817	1,708
6. Engravings, cuts, and prints.....	5,830	5,938	10,460	10,239
7. Chromos and lithographs.....	2,006	2,167	2,443	3,039
8. Photographs.....	13,790	14,258	13,954	16,210
	87,286	90,465	101,719	103,821
Two copies of each article were received.....	174,572	180,930	203,438	207,642
9. Photographs with titles of works of art for identification, one copy each.....	2,947	3,869	3,986	3,496
Grand total.....	177,519	184,799	207,424	211,138

EXHIBIT G—*Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9—Continued*

	1906-7	1907-8	1908-9	Total
1. Books:				
(a) Books proper.....	12,992			
(b) Volumes, circulars, leaflets, etc....	5,340	25,363	27,425	265,352
(c) Newspaper and magazine articles.....	8,403			
2. Dramatic compositions.....	1,568	1,904	2,226	13,294
3. Periodicals (numbers).....	23,554	21,378	22,288	229,536
4. Musical compositions.....	27,308	27,673	23,969	259,441
5. Maps and charts.....	1,572	2,082	1,848	19,786
6. Engravings, cuts, and prints.....	11,233	11,125	10,137	86,205
7. Chromos and lithographs.....	2,589	2,682	2,802	24,356
8. Photographs.....	16,672	16,306	15,650	159,375
9a. Miscellaneous (unclassified articles).....				389
	111,231	108,513	106,345	1,057,734
Two copies of each article were received..				
Foreign books received under Act of Mar.				
3, 1905.....	222,462	217,026	212,690	2,115,468
9. Photographs with titles of works of art for identification, one copy each.....	585	796	1,146	2,527
	4,000	3,900	4,033	35,924
Grand total.....	227,047	221,722	217,869	2,153,919

EXHIBIT G—Table of articles deposited during 1909-10, 1910-11, and 1911-12, with total deposits in each class for 15 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11, and 1911-12

	1909-10	1910-11	1911-12	Total
1. Books:				
(a) Printed in the United States:				
Volumes.....	15,682	17,997	19,650	
Pamphlets, leaflets, etc.....		21,565	23,344	
Contributions to newspapers and periodicals.....	30,150	5,709	5,705	
	45,832	45,271	48,699	
(b) Printed abroad in a foreign language.....	2,920	3,181	4,606	
English works registered for ad interim copyright.....	275	635	643	
	49,027	49,087	53,948	682,766
2. Periodicals.....	49,156	46,780	45,172	600,180
3. Lectures, sermons, etc.....	117	102	107	326
4. Dramatic or dramatico-musical compositions.....	5,554	4,165	4,800	41,107
5. Musical compositions.....	54,426	50,225	52,167	675,700
6. Maps.....	5,244	4,648	4,344	53,808
7. Works of art; models or designs.....	4,383	3,365	3,223	46,895
8. Reproductions of works of art.....	1,502	456	40	1,998
8a. Chromos and lithographs.....				48,712
9. Drawings or plastic works of a scientific or technical character.....	317	237	609	1,163
10. Photographs.....	27,796	25,083	25,802	397,431
11. Prints and pictorial illustrations.....	21,502	25,079	29,309	248,300
12. Miscellaneous (unclassified articles).....				778
13. Foreign books received under act of Mar.				
3, 1905.....				2,527
Total.....	219,024	209,227	219,521	2,801,691

Addenda to the Report of the Register of Copyrights, 1911-12

CONTENTS

- I. Copyright bills and reports, Sixty-second Congress, second session,
pages 159-179.
- II. Decisions of the courts of the United States involving copyright,
pages 181-216.
- III. Copyright convention between the United States and Hungary,
page 217.

Addendum I

COPYRIGHT BILLS AND REPORTS

- H. R. 14668, introduced December 6, 1911, by Hon. John H. Stephens of Texas, page 159.
- H. R. 15263, introduced December 9, 1911, by Hon. Edward W. Townsend, page 161.
- H. R. 20596, introduced February 21, 1912, by Hon. Edward W. Townsend, page 162.
- H. R. 21295, introduced March 4, 1912, by Hon. Reuben O. Moon of Pennsylvania, page 163.
- H. R. 22350, introduced March 26, 1912, by Hon. Edward W. Townsend, page 164.
- H. R. 22356, introduced March 26, 1912, by Hon. Martin A. Morrison, page 167.
- H. R. 22586, introduced March 29, 1912, by Hon. Martin A. Morrison, page 168.
- H. R. 23416, introduced April 16, 1912, by Hon. Martin A. Morrison, page 169.
- H. R. 23568, introduced April 20, 1912, by Hon. Martin A. Morrison, page 169.
- H. Report No. 847, June 6, 1912 (to accompany H. R. bill No. 23568), page 170.
- H. Report No. 756, May 24, 1912 (to accompany H. R. bill No. 24224), page 172.
- H. R. 24224, introduced May 7, 1912, by Hon. Edward W. Townsend, page 176.
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[H. R. 14668. In the House of Representatives. December 6, 1911.]

Mr. STEPHENS of Texas introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL Requiring any citizen of a foreign country who may procure *House bill No. 14668* a copyright or letters patent from the United States to pay to the United States for such copyright or patent the same amount of fees and to subject himself to the same laws, rules, and regulations relating to such patent, its use and control, as the Government of such foreign country exacts by its laws and regulations from citizens of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) whenever any letters patent are issued by the United States on any article, commodity,

compound, device, mechanical appliance, or machine protected by patent, or (b) any copyright issued by the United States on any article, musical composition, musical instrument, or device for reproducing music or musical composition, or any picture, book, pamphlet, or any other work of literature or art protected by copyright, to any citizen of any foreign country, then such patentee or copyright grantee shall pay to the United States the same amount of fees and subject himself to the identical laws, restrictions, rules, and regulations as such foreign country imposes upon a citizen of the United States for patenting or manufacturing and selling the patented article therein; and the failure on the part of the foreign patentee to comply with this law shall operate as a forfeiture and cancellation of such letters patent or copyright in the manner hereinafter provided: *Provided*, That citizens of any foreign country having no patent laws, or having patent laws that do not permit patents to issue to citizens of this country, shall not be entitled to patents in the United States.

SEC. 2. That the Secretary of the Interior is hereby authorized and empowered to make and carry into effect all such rules and regulations as he may deem necessary to enforce the provisions of this act.

SEC. 3. That (a) whenever any letters patent issued by the United States to any citizen of any foreign country on any article, commodity, compound, device, mechanical appliance, or machine protected by patent, or (b) any copyright issued by the United States to any citizen of a foreign country on any article, musical composition, musical instrument, or device for reproducing music or musical composition, or any picture, book, pamphlet, or any other work of literature or art protected by copyright is purchased from the foreign patentee or leased, used, or controlled by any individual citizen of a foreign country or by a domestic firm, association, syndicate, corporation, or combination which is engaged in any vocation, business, or enterprise in violation of any law of Congress or of any State prohibiting, restraining, or regulating trusts, monopolies, or combinations which operate in restraint of trade or commerce among the several States or with foreign nations, the right to any protection under the patent or copyright laws of the United States shall cease and terminate and shall subject such patent or copyright to cancellation in the manner hereinafter provided.

SEC. 4. That any citizen of the United States, or any United States district attorney for any district of the United States may institute or cause to be instituted suits in law or in equity for the cancellation of any copyright or letters patent mentioned in this act, when the facts shall warrant such suit or suits as provided in this act, in any circuit court of the United States where the foreign patentee may reside or transact business, or where the patent or copyright referred to in section one of this act is owned, leased, used, or controlled, or the articles or products referred to in section three are manufactured, used, produced, or sold in violation of this act; and said court is hereby given full jurisdiction to try and render judgment in all such cases under this act.

[H. R. 15263. In the House of Representatives. December 9, 1911.]

Mr. TOWNSEND introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To amend section twenty-five of an act entitled "An act to *House bill No. 15263* amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (b), section twenty-five, of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or, in lieu of actual damages and profits, such damages as to the court shall appear to be just; and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, except as hereinafter provided, and shall not be regarded as a penalty.

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Second. In the case of any work enumerated in section five of this act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery.

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance: *Provided*, That in the case of an infringement of a dramatic or dramatico-musical composition through or by means of motion pictures, talking machines, phonographs, or other mechanical devices, or combinations thereof, where, in the judgment of the court, the infringement could not reasonably have been foreseen, the recovery by the copyright proprietor shall not exceed the sum of one hundred dollars."

[H. R. 20596. In the House of Representatives. February 21, 1912.]

Mr. TOWNSEND introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

House bill No. A BILL To amend section twenty-five of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-five of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable—

"(a) To an injunction restraining such infringement.

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement; and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or, in lieu of actual damages and profits, such damages as to the court shall appear to be just; and in assessing such damages the court may, in its discretion, allow the amounts as herein-after stated; but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty.

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Second. In the case of any work enumerated in section five of this act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery.

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance. In the case of other musical compositions, ten dollars for every infringing performance: *Provided*, That in the case of infringement of a dramatic or dramatico-musical composition, or of a work adaptable for dramatization or portrayal or exhibition through or by means of motion pictures, talking machines, phonographs, or other mechanical devices or combinations thereof, where the defendant proves that he was not aware that he was infringing a copyrighted work and could not reasonably have foreseen that he was so infringing, the entire recovery by the

copyright proprietor shall not exceed the sum of one hundred dollars; but this shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall it apply to infringements occurring after actual notice to a defendant either by service of process in a suit or other written notice served upon him.

"Nor shall it apply to infringements of dramatic or dramatico-musical compositions actually and for profit being produced upon the stage in the United States at the time of such infringement.

"(c) To deliver, upon oath, to be impounded during the pendency of the action upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

"(d) To deliver, upon oath, for destruction all the infringing copies or devices as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order;

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then, in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders, for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought; but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention by registered mail upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

[H. R. 21295. In the House of Representatives. March 4, 1912.]

Mr. Moon of Pennsylvania introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To amend sections five and eleven of an act entitled "An *House bill No. 21295* act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections five and eleven of the act entitled "An act to amend and consolidate the acts respecting

copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

- "(a) Books, including composite and cyclopaedic works, directories, gazetteers, and other compilations;
- "(b) Periodicals, including newspapers;
- "(c) Lectures, sermons, addresses, prepared for oral delivery;
- "(d) Dramatic or dramatico-musical compositions or motion-picture photoplays;
- "(e) Musical compositions;
- "(f) Maps;
- "(g) Works of art; models or designs for work of art;
- "(h) Reproductions of a work of art;
- "(i) Drawings or plastic works of a scientific or technical character;
- "(j) Photographs or motion pictures (other than photoplays); and
- "(k) Prints and pictorial illustrations:

"Provided, That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act."

"SEC. 11. That copyright may also be had of the works of an author of which copies are not reproduced for sale by the deposit, with claim of copyright, of one complete copy of such work, if it be a lecture or similar production or a dramatic or musical composition; of a scenario or description thereof, with one photograph or print taken from each scene or act, in the case of a motion-picture photoplay; of a photographic print, if the work be a photograph; of a title and description thereof, with two or more photographs or prints taken from different sections of the complete motion picture, in the case of a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work of drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections twelve and thirteen of this act where the work is later reproduced in copies for sale."

[H. R. 22350. In the House of Representatives. March 26, 1912.]

Mr. TOWNSEND introduced the following bill; which was referred to the Committee on Patents and ordered to be printed.

House bill No. A BILL To amend sections five, eleven, and twenty-five of an act
22350
entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections five, eleven, and twenty-five of the act entitled "An act to amend and consolidate the

acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

"(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;

"(b) Periodicals, including newspapers;

"(c) Lectures, sermons, addresses (prepared for oral delivery);

"(d) Dramatic or dramatico-musical compositions (not to include mere scenarios);

"(e) Musical compositions;

"(f) Maps;

"(g) Works of art; models or designs for work of art;

"(h) Reproductions of a work of art;

"(i) Drawings or plastic works of a scientific or technical character;

"(j) Photographs;

"(k) Prints and pictorial illustrations;

"(l) Motion-picture photoplays;

"(m) Motion pictures other than photoplays:

"Provided, That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act."

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work, if it be a lecture or similar production or dramatic or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print, if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of a copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen of this act, where the work is later reproduced in copies for sale."

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable—

"(a) To an injunction restraining such infringement.

"(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement; and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or, in lieu of actual damages and profits, such damages as to the court shall appear to be just; and in assessing such damages the court may, in its discretion, allow the amounts as here-

inafter stated; but in case of a newspaper reproduction of a copyrighted photograph, such damages shall not exceed the sum of two hundred dollars and [be] not less than the sum of fifty dollars, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars nor be less than the sum of fifty dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him:

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Second. In the case of any work enumerated in section five of this act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery.

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance.

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright.

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then, in case of infringement of such copyright by the unauthorized manu-

facture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought; but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention by registered mail upon the copyright proprietor at his last address disclosed by the records of the copyright office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

[H. R. 22356. In the House of Representatives. March 26, 1912.]

Mr. MORRISON introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To amend section fifty-five of "An act to amend and consolidate the acts respecting copyright," approved March fourth, ^{House Bill No. 22356} nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the proprietor of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of the copyright proprietor, the name of the country of which the author of the work is a citizen or subject, or if domiciled in the United States at the time of the registration of his work, then a statement of that fact, the title of the work which is registered for copyright, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit as provided by section sixteen of this act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided for in the case of all registrations made after this

act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. The said certificate shall be admitted in any court as *prima facie* evidence of copyright and of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

[H. R. 22586. In the House of Representatives. March 29, 1912.]

Mr. MORRISON introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

House bill No. 22586 A BILL To amend section fifty-five of "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, or if domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided for in the case of all registrations made after this act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as *prima facie* evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

[H. R. 23416. In the House of Representatives. April 16, 1912.]

Mr. MORRISON introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To amend section fifty-five of "An act to amend and consolidate the acts respecting copyright," approved March fourth, ^{House bill No. 23416} nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, or, if domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided for in the case of all registrations made after this act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as *prima facie* evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

[H. R. 23568. In the House of Representatives. April 20, 1912.]

Mr. MORRISON introduced the following bill; which was referred to the Committee on Patents and ordered to be printed:

A BILL To amend section fifty-five of "An act to amend and consolidate the acts respecting copyright," approved March fourth, ^{House bill No. 23568} nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-five of the act entitled "An act to amend and consolidate the acts respecting copy-

right," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 55. That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain the name and address of said claimant, the name of the country of which the author of the work is a citizen or subject, and when an alien author domiciled in the United States at the time of said registration, then a statement of that fact, including his place of domicile, the name of the author (when the records of the copyright office shall show the same), the title of the work which is registered for which copyright is claimed, the date of the deposit of the copies of such work, the date of publication if the work has been published, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book, the certificate shall also state the receipt of the affidavit, as provided by section sixteen of this act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out as above provided for in the case of all registrations made after this act goes into effect, and in the case of all previous registrations so far as the copyright office record books shall show such facts, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same. Said certificate shall be admitted in any court as *prima facie* evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration."

[House report No. 847. Sixty-second Congress, second session.]

AMENDMENT OF LAWS RELATING TO COPYRIGHTS

[JUNE 6, 1912.—Referred to the House Calendar and ordered to be printed.]

House report Mr. OLDFIELD, from the Committee on Patents, submitted the following report (to accompany H. R. 23568):
No. 847

The Committee on Patents, to which was referred the bill (H. R. 23568) to amend section 55 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, having had the same under consideration, beg to report it back to the House with certain amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Section 55 of the copyright act relates to the certificate of copyright to be issued by the Copyright Office under the registration of works in that office. The copyright claimant, the person who seeks to dispute a claimant's right to a copyright, and any other individual who pays the fee of 50 cents prescribed by law, is entitled to the certificate and the facts it contains. The present certificate does not afford the holder all the facts necessary to show whether or not the claimant was

entitled to register his claim of copyright, nor does it show all facts and acts essential to copyright. All of this is, of course, of record in the office of the register of copyrights, and can be shown by making the copyright certificate a more complete transcript of the records in the register's office. This is done by the bill, by reenacting section 55, with the further provision that the certificate shall also contain "the name of the country of which the author of the work is a citizen or subject, and, when an alien author domiciled in the United States at the time of registration, then a statement of that fact, including his place of domicile, the name of the author (when the records shall so show), and the date of publication if the work has been reproduced in copies for sale or publicly distributed." The name of the author can not always be specified, as some works are published anonymously or pseudonymously.

Each of the additional facts to be inserted in the certificate are matters of record in the register's office and are essential if the certificate is to convey to the holder all the material facts. Without these facts, the holder of a certificate can neither ascertain or prove whether or not the claimant is entitled to copyright, nor is he informed as to the basis for any copyright claim asserted. For example, under the present certificate, neither the name nor the citizenship of the author is shown, yet, the right of registration hangs wholly upon whether or not the author is a citizen of the United States or of a country having a reciprocal treaty with the United States. The purpose of the bill is to show that the copyright certificate shall show all the facts.

The only change in the form or wording of the bill as originally introduced, and as reintroduced and hereby reported, is the addition, in line 13, page 2, after the word "out," the words "in each case"; and by striking out the word "published" in line 6, page 2, and inserting in lieu thereof the words "reproduced in copies for sale, or publicly distributed." This substitution is necessary, not only to follow the wording of the general bill, but to prevent any misconception of the meaning of the word "published" and of the word "publication" as used in other sections of the copyright act.

The existing copyright law provides for two separate and distinct methods of copyright for the two different classes of copyrightable works; one, under section 9, which applies to works reproduced in copies for sale, and the other, under section 11, which relates to works, such as dramas and operas which are merely to be performed, lectures and sermons to be delivered only, and the like, and none of which is intended for printing and selling, nor are any of them to be reproduced in copies for sale.

Copyright in each class is obtained by legal "publications," but the publication, under each class, is by a different method.

Under section 9, copyright is obtained by reproducing the work "with notice of copyright required by this act affixed to each copy published or offered for sale, or publicly distributed." No act in connection with the Copyright Office is necessary to secure this copyright. The copyright vests in the copyright owner upon his reproducing and

offering for sale the work with proper notice of copyright attached. The copyright owner is merely required to register his work in the Copyright Office when he desires to obtain a right to the remedies afforded by the copyright act. He does not lose his copyright by any failure to register and his copyright runs from the date of the first publication which may be, and frequently is, on a day long prior to the date of registration.

Copyright under section 11 is obtained by filing in the Copyright Office, with claim of copyright, one complete copy of the work not reproduced and published for sale. By this filing the copyright claimant parts with all control of the copy so filed, which copy, by section 58 of the copyright act, is made subject to inspection, examination, and reading by the general public. In effect, by this registration, the copy becomes a public document subject to inspection at will by the general public and it thereby, in the intent of the copyright law, is "published."

Both classes, therefore, secure copyright from the date of first publication, and consequently protection for exactly the same length of time. The publication in the case of works filed under section 11, being upon the date on which the work is registered, and under section 9, the day on which the work is first reproduced and copied for sale or offered for sale, the publication, in which latter case, must be at a time prior to registration.

As the publication under section 9 always precedes registration, it is intended under the bill that such date should be specified in the copyright certificate as well as the date of publication. Hence, the provision that the certificate should contain "the date of publication if the work has been reproduced in copies for sale, or publicly distributed."

As to the amendment of the bill in the addition of the words "in each case" after the word "out," in line 13, page 2, this insertion was made in order that the exact wording of section 55 might be followed.

There has been no opposition to the bill. It has been called up on two occasions following hearings upon other bills, when conflicting interests appeared; however, all such parties appearing before this committee have uniformly urged the passage of the bill in its present form.

The bill has the indorsement of the Librarian of Congress, and has also the indorsement of the register of copyrights.

[House report No. 756. Sixty-second Congress, second session.]

STATUTE IN RELATION TO COPYRIGHTS

[MAY 24, 1912.—Referred to the House Calendar and ordered to be printed.]

House report No. 756 Mr. MORRISON, from the Committee on Patents, submitted the following report (to accompany H. R. 24224):

The Committee on Patents, to which was referred the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to

amend and consolidate the acts respecting copyright," approved March 4, 1909, submit the following report:

Section 5 of said act provides that the application for registration shall specify to which of the classes named therein the work in which copyright is claimed belongs. The section as proposed in H. R. 24224 is an exact reenactment of the original section, with two classes of works added thereto, as follows:

- (l) Motion-picture photoplays.
- (m) Motion pictures other than photoplays.

The occasion for this proposed amendment is the fact that the production of motion-picture photoplays and motion pictures other than photoplays has become a business of vast proportions. The money invested therein is so great and the property rights so valuable that the committee is of the opinion that the copyright law ought to be so amended as to give them distinct and definite recognition and protection. This it seeks to do, so far as section 5 is concerned, by adding the two new classes above set forth.

Section 11 of the copyright act provides for copyright of works, "of which copies are not reproduced for sale."

Section 11 as amended in H. R. 24224 is an exact reenactment of section 11 of the present law, with the additional language as herein-after indicated. In line 24 on page 2 of the printed bill the words "dramatico-musical" have been added. The present section provides for "a dramatic or musical composition," but does not include a "dramatico-musical composition." They are included in section 5 of the present law in classification (d), but were omitted from section 11.

In section 5 dramatic and dramatico-musical compositions are included in one class, class (d), and musical compositions are placed in a separate class, class (e). It is evident that, in the attempt to combine them in a single provision in section 11, the words "dramatico-musical" were omitted by inadvertence. This amendment is necessary to make section 11 consistent with section 5 and to carry out the manifest intent of the framers of the present law.

In lines 24 and 25 on page 2 and line 1 of page 3 of the present bill these words are added: "of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay."

In lines 2 to 5 on page 3 of the printed bill these words are added: "of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay."

This language is necessary to enlarge section 11 so as to provide for the two new classes added to section 5, as above referred to. It serves no other purpose and is intended to have no other effect.

Section 25 of the present law provides the several remedies to which the copyright proprietor is entitled as against an infringer. Stated in general outline, but without strict accuracy, they are:

- (a) An injunction restraining infringement.
- (b) Recovery of damages and profits.

(c) Recovery of arbitrary or fixed sums, which it is declared shall not be regarded as a penalty, as follows:

First. In case of a painting, statue, or sculpture, \$10 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

Second. In the case of any work enumerated in section 5 of the act, except a painting, statue, or sculpture, \$1 for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees.

Third. In the case of a lecture, sermon, or address, \$50 for every infringing delivery.

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, \$100 for the first and \$50 for every subsequent infringing performance; in the case of other musical compositions, \$10 for every infringing performance.

(c) To deliver up, on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright.

(d) To deliver up, on oath, for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means of making such infringing copies as the court may order.

(e) This subsection relates to the owners of musical copyrights whose copyrights are infringed by the unauthorized manufacture, use, or sale of mechanical appliances for use in mechanical music-producing machines. The proposed amendments do not affect this subsection.

Section 25 as proposed in H. R. 24224 is a reenactment of the whole of the present section 25, with additional provisions as hereinafter set forth.

At page 4 of the printed bill, lines 2 to 19, the following language is added:

"And in the case of the infringement of an undramatized or non-dramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars nor be less than the sum of fifty dollars; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work and that such infringements could not reasonably have been foreseen, the entire sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars."

Beginning at line 22 on page 4 of the printed bill and ending with line 2 on page 5, the following new provision is inserted, to wit:

"But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the

limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him."

It will be noticed that the proposed amendments leave all remedies, except one, as they now are. The unaffected remedies still open to all copyright proprietors as under the present law are injunction, damages, profits, impoundage pedente lite of articles alleged to infringe copyright, destruction of copies or devices, as well as all plates, molds, matrices, or other means of making infringing copies.

The special remedy for infringement of musical copyright by music-producing machines is also left intact.

The proposed amendments relate only to the recovery of fixed sums of money (not to be regarded as penalty) on account of infringements "by means of motion pictures where the infringer shall show that he was not aware that he was infringing and that such infringement could not have been reasonably foreseen."

All the other remedies remain against infringers by motion pictures in all cases, and the right to recover fixed amounts in money remains as against all infringers in all cases not expressly excluded by the amendment.

This fact is made clear by the provision in line 22, page 4, to line 2, page 5. This provision also limits the benefit of the new provisions to the time prior to service of process or other written notice on the infringer at the instance of the copyright proprietor.

The new limitation is to the right to recover fixed or arbitrary sums of money in lieu of damages or profits. The arbitrary sums fixed by the statute are "one hundred dollars for the first and fifty dollars for every subsequent infringing performance."

As relates to "undramatized or nondramatic works," the new limitation is a sum not less than \$50 and not more than \$100. As relates to a "dramatic or dramatico-musical work," the new limitation is a sum not less than \$250 nor more than \$5,000.

It is believed that the new limitations will remove from the makers of motion-picture films a hazard that imperils them daily with possible bankruptcy, against which they can not by the exercise of reasonable diligence protect themselves, and that it will work no hardship or injustice to any copyright proprietor. Motion-picture films are sent out to many exhibitors and released to use by them all simultaneously. They may be exhibited several times each day by each exhibitor. In case of an inadvertent infringement, the amount of the arbitrary recovery may amount to an almost unlimited sum of money in a few days and before the infringement can be learned by the makers of the films.

The lower limitation is fixed for infringement of "undramatized and nondramatic works." The number of copyrights of works of this character is almost limitless, and, practically speaking, it is impossible for the makers of films to avoid the occasional purchase and production of a scenario that may be held in some of its scenes and situations to infringe some copyrighted undramatized or nondramatic work. It will not often occur that an infringement excusable under the law as proposed

will result in substantial damage to the proprietor of a copyright. As the law now stands, such proprietor might stand by and permit the right to recover the arbitrary amounts to reach a sum sufficient to bankrupt the innocent infringer, without notice or warning, and then demand full payment of such arbitrary amount. This would be true, even though no actual damage resulted from the infringement.

The higher limitation is fixed in the case of an infringement of "a copyrighted dramatic or dramatico-musical work."

In such cases the task of avoiding infringements is not so difficult, and the probability of substantial damage to the copyright proprietor is greater. The new limitation is a substantial sum and is believed to leave fair protection to the copyright proprietor while it furnishes substantial relief to the innocent infringer.

The new limitations do not operate as "compulsory license." They operate only in cases of innocent infringement. The protection terminates with notice, and thereafter the full arbitrary sums are recoverable. This fact and the great expense of making the films, the right of the copyright proprietor to recover actual damages and profits, and the right to impound and destroy all infringing articles and all devices used in their production are believed to be sufficient to induce the makers of films to continue to use all diligence to avoid any and all infringements.

For the reasons stated the committee believes that the bill should be passed without amendment.

[H. R. 24224. In the House of Representatives. May 7, 1912.]

Mr. TOWNSEND introduced the following bill; which was referred to the Committee on Patents and ordered to be printed, to accompany Report No. 756.

House bill No. A BILL To amend sections five, eleven, and twenty-five of an act
24224
entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections five, eleven, and twenty-five of the act entitled "An act to amend and consolidate the acts respecting copyright," approved March fourth, nineteen hundred and nine, be amended to read as follows:

"SEC. 5. That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

"(a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations;

"(b) Periodicals, including newspapers;

"(c) Lectures, sermons, addresses (prepared for oral delivery);

"(d) Dramatic or dramatico-musical compositions;

"(e) Musical compositions;

"(f) Maps;

"(g) Works of art; models or designs for works of art,

"(h) Reproductions of a work of art;

- "(i) Drawings or plastic works of a scientific or technical character;
- "(j) Photographs;
- "(k) Prints and pictorial illustrations;
- "(l) Motion-picture photoplays;
- "(m) Motion pictures other than photoplays:

"Provided, nevertheless, That the above specifications shall not be held to limit the subject matter of copyright as defined in section four of this act, nor shall any error in classification invalidate or impair the copyright protection secured under this act."

"SEC. 11. That copyright may also be had of the works of an author, of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic, musical, or dramatico-musical composition; of a title and description, with one print taken from each scene or act, if the work be a motion-picture photoplay; of a photographic print if the work be a photograph; of a title and description, with not less than two prints taken from different sections of a complete motion picture, if the work be a motion picture other than a photoplay; or of a photograph or other identifying reproduction thereof, if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies, under sections twelve and thirteen of this act, where the work is later reproduced in copies for sale."

"SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

- "(a) To an injunction restraining such infringement;
- "(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and in the case of the infringement of an undramatized or nondramatic work by means of motion pictures, where the infringer shall show that he was not aware that he was infringing, and that such infringement could not have been reasonably foreseen, such damages shall not exceed the sum of one hundred dollars *nor be less than the sum of fifty dollars*; and in the case of an infringement of a copyrighted dramatic or dramatico-musical work by a maker of motion pictures and his agencies for distribution thereof to exhibitors, where such infringer shows that he was not aware that he was infringing a copyrighted work, and that such infringements could not reasonably have been foreseen, the entire

Omitted words

sum of such damages recoverable by the copyright proprietor from such infringing maker and his agencies for the distribution to exhibitors of such infringing motion picture shall not exceed the sum of five thousand dollars nor be less than two hundred and fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty. But the foregoing exceptions shall not deprive the copyright proprietor of any other remedy given him under this law, nor shall the limitation as to the amount of recovery apply to infringements occurring after the actual notice to a defendant, either by service of process in a suit or other written notice served upon him.

"First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

"Second. In the case of any work enumerated in section five of this act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

"Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

"Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

"(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

"(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order.

"(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright

office, sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

"Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States."

NOTE.—The above bill was amended in the House of Representatives on June 17, 1912, by striking out the words printed in italics; and, as thus amended, was enacted and was approved as law on August 24, 1912.

Addendum II

DECISIONS OF THE COURTS OF THE UNITED STATES INVOLVING COPYRIGHTS¹

Da Prato Statuary Co. v. Giuliani Statuary Co., May 19, 1911, page 181.
Lesser v. George Borgfeldt & Co., June 22, 1911, page 185.
National Cloak & Suit Co. v. Kaufman, July 17, 1911, page 185.
Dam v. Kirk La Shelle Co., July 28, 1911, page 190.
National Cloak & Suit Co. v. Standard Mail Order Co., October 30,
1911, page 193.
Kalem Co. v. Harper Bros., November 13, 1911, page 194.
Mail & Express Co. v. Life Pub. Co., January 8, 1911, page 199.
Woodman v. Lydiard-Peterson Co., January 17, 1912, page 201.
Ferris v. Frohman, February 19, 1912, page 206.
New York Times Co. v. Star Co., April 5, 1912, page 214.

DA PRATO STATUARY CO. v. GIULIANI STATUARY CO.

(Circuit Court, D. Minnesota, Third Division. May 19, 1911.)

1. TRADE-MARKS AND TRADE NAMES (SEC. 95)—UNFAIR COMPETITION—TEMPORARY *Da Prato Statuary Co. v. Giuliani Statuary Co.*

A temporary injunction against the publication by defendant in its catalogue of pictures of statuary which it produces and sells for the decoration of churches and religious edifices which are exact copies of pictures in the catalogue of complainant, which is engaged in the same business, will not be granted on the ground of unfair competition.

2. COPYRIGHTS (SEC. 83)—INFRINGEMENT—INJUNCTION—EVIDENCE.

In a suit to enjoin the publication by defendant in its catalogue of copies of cuts copyrighted by complainant, evidence held to show that the cuts in defendant's catalogue were copied from those copyrighted by complainant.

3. COPYRIGHTS (SEC. 83)—INFRINGEMENT—INJUNCTION—EVIDENCE.

In a suit to enjoin the publication by defendant of cuts copyrighted by complainant, where it is proven that the defendant has copied one or more of the copyrighted cuts, a finding that the others as to which no explanation is made were also copied is supported by the evidence.

4. COPYRIGHTS (SEC. 9)—SUBJECT OF COPYRIGHTS—CUTS.

Cuts of statuary and other articles for the decoration of churches and other religious edifices in the catalogue of a firm engaged in producing and selling such articles are proper subjects of copyright.

¹ The Federal Reporter decisions, copyrighted by the West Publishing Co., and the United States Reports, copyrighted by the Banks Law Publishing Co., are used by permission.

5. COPYRIGHT (SEC. 5)—SUBJECTS OF COPYRIGHTS—TRADE CATALOGUE.

A trade catalogue may be the subject of a copyright.

6. COPYRIGHTS (SEC. 38)—EXTENT OF RIGHTS ACQUIRED.

Under Copyright Act March 4, 1909, c. 320, sec. 3, 35 Stat., 1076 (U. S. Comp. St., Supp. 1909, p. 1290), providing that the copyright shall protect all the copyrightable component parts of the work "copyrighted," where complainant copyrighted its catalogue of statuary and other articles for the decoration of churches and other religious edifices, it was entitled to the protection of the copyright law as to each cut contained therein.

7. COPYRIGHTS (SEC. 85)—INJUNCTION—EXTENT OF INFRINGEMENT.

Where complainant's catalogue contained 2,813 cuts, and, of these, 18 which were legally copyrighted were reproduced in defendant's catalogue, which contained 393 cuts, this is sufficient to justify the granting of an injunction, but the injunction should be limited to the cuts that have been copied.

In equity. Bill by the Da Prato Statuary Co. against the Giuliani Statuary Co. On motion for temporary injunction. Granted.

This is a bill in equity brought by the complainant company of Chicago, a producer and seller of statuary and other articles for the decoration of churches and religious edifices. The bill alleges that complainant, for the furtherance of its business, at great expense and labor, prepared and issued a trade catalogue containing pictures and cuts of its various statuary and articles; that said catalogue was duly copyrighted, and that since the issuance thereof the defendant company, which is engaged in the same business at St Paul, Minn., prepared and issued a catalogue of its own, wherein, and without the permission of the complainant, it reproduced exact copies of many of the cuts contained in complainant's catalogue. The defendant avers that the statues shown in the cuts in complainant's catalogue are merely copies of statues which have been for years in existence in Europe; that they are not the subject of copyright; and, further, that complainant's catalogue itself is not a subject of copyright.

The evidence of complainant tended to show the following facts: That these statues can be produced only by the exercise of high artistic skill and care. For instance, a plaster of Paris statue is received from Europe, and, as a general rule, the modeling is artistically good, but the decoration is inferior. Such statues are therefore dismembered, the decoration removed, new casts made and joined together, making a statue without decoration. The modeling and reassembling require a high degree of skill, care, and accuracy. The points of juncture have to be very carefully filled so as to conceal the same. The statues are then redecorated and colored, all of which involves the employment of skilled artists and persons thoroughly well trained in the art. Also the illustrations can only be produced by the employment of photographers skilled in the art of properly modulating and diffusing the light, so as to show the article as it appears in reality.

Edward C. Stringer, McNeil V. Seymour, and Edward S. Stringer (Frank F. Reed and Edward S. Rogers, of counsel) for petitioner.

John E. Stryker for defendant.

WILLARD, district judge (after stating the facts as above):

[1] The motion of the complainant for a temporary injunction, so far as it is based upon the claim of unfair competition, is denied. It is

necessary, however, to consider whether such an injunction should be granted on the ground that the defendant has infringed the complainant's copyright.

[2] The complainant has offered evidence tending to show that 117 of the cuts contained in its catalogue have been copied in the defendant's catalogue; but no proof has been presented to show that any of these photographs so used by the defendant have been copyrighted by the complainant, except 18. The evidence shows that as to these 18 photographs or cuts the complainant has complied with the provisions of the law for the purpose of securing a copyright.

That cuts similar to these 18 cuts of the complainant appear in the defendant's catalogue is not disputed. Some attempt is made to explain the source from which the defendant derived its cuts. The affidavit of Giuliani and the affidavit of McCoy state that defendant's cut No. 372, which is like complainant's cut No. 2739, was made from a photograph sent from Italy. Gaul, the president of the complainant, in his second affidavit, states that this is impossible. An examination of the two cuts, in the light of what is said by Gaul in his affidavit, satisfies me beyond doubt that the defendant's cut 372 was made, not from a photograph taken in Italy, but was made from a photograph of complainant's cut 2739.

I am also satisfied that the same thing is true with reference to complainant's cut 2737, copied by the defendant's cut 373, and complainant's cut 2741, copied by defendant's cut 371. As to the defendant's No. 371, it is to be observed that Giuliani says that it was taken from a photograph sent from Italy, while McCoy says it was copied from a photograph sent to the defendant by the Vermont Marble Co.

The defendant does not apparently deny that its cut No. 187 is a copy of the complainant's cut 913, but it says that cut 913, together with cut 2737, had been previously published by the complainant in an uncopyrighted circular or art review. This the complainant denies, and the defendant has not produced any such art review which was not copyrighted.

The defendant further claims that complainant's cuts 346, 348, and 349 were published in a catalogue of Benziger Bros., of Cincinnati, without any reservation of copyright by the complainant. The defendant however, produces no copy of that catalogue. This it should have done. (*List Pub. Co. v. Keller* (C. C.), 30 Fed., 772.)

As to the other cuts included in the 18 above mentioned, no explanation is offered by the defendant.

[3] It having been proven that the defendant has copied one or more cuts, a finding that the others as to which no explanation is made were also copied is easily supported by the evidence. (*Chapman v. Ferry* (C. C.), 18 Fed., 539, 542; *Lawrence v. Dana*, 4 Cliff., 1; Fed. Cas. No. 8, 136.) It is therefore proven that the defendant has copied 18 of the cuts included in the complainant's copyrighted catalogue, which cuts had not before appeared in any uncopyrighted publication.

[4] The representations in the complainant's catalogue are proper subjects of copyright. (*Burrow-Giles Lithographic Co. v. Sarony*, 111 U. S., 53; 4 Sup. Ct., 279; 28 L. Ed., 349; *Bleistein v. Donaldson Lithographing Co.*, 188 U. S., 239; 23 Sup. Ct., 298; 47 L. Ed., 460.)

[5] A trade catalogue may be the subject of a copyright. (*Maple v. Junior Army & Navy Stores*, Law Rep. 21, Chan. Div. 367 (1882).)

In the case of *Lamb v. Grand Rapids School Furniture Co.* (C. C.), 39 Fed., 474, and which was a case of a trade catalogue, and was cited by the defendant, it did not appear that the defendant's cuts were copied from the plaintiff's cuts, and the court assumed that defendant's cuts were made from photographs of its own stock.

In the case of *J. L. Mott Iron Works v. Clow*, 82 Fed., 316, 27 C. C. A., 250, it appeared that the particular illustration claimed to have been copied were those of a wash bowl, slop sink, bathtub, footbath, sponge holder, brush holder, and a robe hook. It was held that pictures of these objects were not proper subjects of copyright. But the objects there illustrated are very different from the objects illustrated in the catalogue in this case. All that was decided in the case of *Baker v. Selden*, 101 U. S., 99; 25 L. Ed., 841, cited by the defendant, was that a claim of exclusive property in a peculiar system of bookkeeping could not, under the law of copyright, be maintained by the author of a treatise in which that system is exhibited and explained.

[6] The complainant having copyrighted its entire catalogue was entitled to the protection of the copyright law as to each cut contained therein. (Copyright act March 4, 1909, c. 320, sec. 3, 35 Stat., 1076 (U. S. Comp. St. Supp., 1909, p. 1290); *Dam v. Kirk La Shelle Co.*, 175 Fed., 902; 99 C. C. A., 392.)

[7] The complainant's catalogue contained 2,813 cuts; of these, 18 which were legally copyrighted were reproduced in defendant's catalogue which contained 393 cuts. Though the number thus reproduced is small, yet it is sufficient to justify the granting of an injunction. (*Lawrence v. Dana*, 4 Cliff., 1; Fed. Cas. No. 8, 136; *Campbell v. Scott*, 11 Simons, 30; *Leslie v. Young & Sons*, 6 Rep., 211; House of Lords (1894); *West Publishing Co. v. Lawyers Co-operative Publishing Co.* 79 Fed., 756; 25 C. C. A., 648; 35 L. R. A., 400.)

The injunction should, however, be limited to the 18 cuts that have been copied. (*List Pub. Co. v. Keller* (C. C.), 30 Fed., 771; *Campbell v. Scott*, 11 Simons, 30; *Leslie v. Young & Sons*, 6 Rep. 211, House of Lords (1894).)

Let an injunction issue, restraining the defendant, as prayed for in the bill, not as to its entire catalogue, but only as to the 18 cuts described on page 8 of the affidavit of Godfried J. Gaul, sworn to on April 20, 1911. In the last line of the affidavit, however, the number of the defendant's cut should be "371" instead of "381." The complainant will furnish a bond in the sum of \$5,000.

[From the Federal Reporter, v. 189, 8°. St. Paul, West Publishing Co., 1912, pp. 90-93.]

LESSER v. GEORGE BORGFELDT & CO.

(Circuit Court, S. D. New York. June 22, 1911.)

COPYRIGHTS (SEC. 82)—INFRINGEMENT—ACTIONS—EXHIBITION.

Where there was nothing to show that a copyright alleged to have been infringed was a sculpture or other similar work, or that the production of a copy was not feasible, defendant was entitled to have a copy of the alleged infringement, and a copy of the work alleged to have been infringed upon, accompany the petition as required by Supreme Court practice rule 2, in effect July 1, 1909.

In equity. Suit by Elizabeth Lesser against George Borgfeldt & Co. for infringement of copyright. On motion to compel complainant to attach a copy of the alleged infringement, and of the work alleged to have been infringed, to the petition. Granted.

LACOMBE, circuit judge. The rule of practice (No. 2) adopted by the Supreme Court and which went into effect July 1, 1909, provides that "a copy of the alleged infringement of copyright, if actually made, and a copy of the work alleged to be infringed, should accompany the petition or its absence be explained." No such copies have been submitted, and defendant is entitled to the relief asked for, unless the case comes within one of the exceptions contained in the rule. The record does not show that the copyright is a "sculpture or other similar work," and there is nothing to show that the production of "copy" is not feasible.

Motion granted.

[From the Federal Reporter, v. 188, 8°, St. Paul, West Publishing Co., 1911, p. 864.]

NATIONAL CLOAK & SUIT CO. v. KAUFMAN

(Circuit Court, M. D. Pennsylvania. July 17, 1911.)

1. COPYRIGHTS (SEC. 82)—REGISTRATION—VESTING OF PRIVILEGE.

Since copyright vests on the publication of the book or publication with notice of copyright as provided by act March 4, 1909, c. 320, sec. 9, 35 U. S. Stat., 1077 (U. S. Comp. St. Supp., 1909, p. 1292), a bill for infringement was not demurrable for failure to allege registration or entry, in form or manner provided by law, of the title of the book, or volume of the publication.

2. COPYRIGHTS (SEC. 82)—RIGHT TO PRIVILEGE—CORPORATIONS—PLEADING.

Under act March 4, 1909, c. 320, 35 Stat., 1075 (U. S. Comp. St. Supp., 1909, p. 1289), conferring copyright on the author or proprietor, and providing that the word "author" shall include an employer in the case of works made for hire, an allegation in a bill by a corporation for infringement that complainant was a corporation created under the laws of New York, and that it wrote, designed, and compiled and caused to be written, designed, and compiled by those employed by it for such purpose, all of them citizens and residents of the United States, or aliens domiciled within the United States at the time of the first publication of the book in question of which it was the proprietor, sufficiently showed that complainant corporation was entitled to the copyright.

3. COPYRIGHTS (SEC. 9)—MATTER SUBJECT OF COPYRIGHT—PICTORIAL ILLUSTRATIONS—ADVERTISING MATTER.

Under act March 4, 1909, c. 320, 35 Stat., 1075 (U. S. Comp. St. Supp., 1909, p. 1289) relating to copyrights, section 5 (k) expressly authorizing the copyright of pictorial illustrations, where a corporation engaged in the manufacture of feminine attire issued a book containing pictorial illustrations, being pictures of women attired in the latest up-to-date styles depicting the fashion in dress, supplemented by infor-

mation concerning the materials which plaintiff offered to make up in accordance therewith and the prices at which it would do so, such illustrations, though used entirely for advertising purposes and not essentially works of fine art, were proper subjects of copyright.

4. **COPYRIGHTS (SEC. 9)—PICTURES—CATALOGUE.**

It was no objection to a copyright of pictures representing women attired in up-to-date costumes in a cloak and suit catalogue that the pictures represented visible actual persons and things, and that complainant could not monopolize the right to picture them, under the rule that, while others are free to copy the original, they may not copy the copy.

In equity. Suit by the National Cloak & Suit Co. against David Kaufman for copyright infringement. On demurrer to bill. Overruled.

Archibald Cox and Walter Briggs, for complainant.

John C. Nissley and Charles W. Bacon, for defendant.

WITMER, district judge. This is a demurrer to a bill of complaint in a suit in equity brought by the National Cloak & Suit Co., of New York, against David Kaufman, of Harrisburg, Pa., to restrain an alleged infringement of copyright.

The bill charges, in substance, that the complainant, a New York corporation, doing business in the Borough of Manhattan, city of New York, had secured a copyright, in compliance with the law governing in such cases, of a certain book constituting a volume of a periodical publication which having been for many years issued by the complainant in connection with its business of which it was then the proprietor, said book being entitled, "New York Fashions, vol. 14, No. 4"; that in the preparation of said book it exercised the most careful supervision and discrimination and made large outlays and expenditures, employing in the preparation of its various component parts artists and authors of peculiar skill and ability in the particular matters to which such parts relate; and that the illustrations forming component parts of said book were the work and embodied the personal reaction of artists of recognized skill in their calling, and were pictures of artistic merit, and, in addition to their merit as artistic productions, were of peculiar value as portraying original conceptions and creations relating to wearing apparel, of great interest to a large proportion of the public on account of the originality and exercise of trained aesthetic faculties displayed in said illustrations; that, notwithstanding the notice of copyright required by law having been printed on the title page of each number of such publication, the defendant afterwards, intending to appropriate the fruits of the complainant's efforts, did, without the consent of the complainant, make, print, publish, and distribute, and caused to be made, printed, published, and distributed, copies of copyrightable component parts copied from the complainant's said book, which is made a part of the bill of complaint, to wit, illustrations No. 1422 on page 22, No. 1903 on page 112, No. 11458 on page 189, No. 1402 on page 10, No. 9408 on page 100, No. 1413 on page 16, No. 1405 on page 13, No. 9426 on page 109, and No. 1401 on page 9, whereby the complainant claims the defendant infringed its said copyright and threatens to continue, wherefore he prays for relief.

The demurrer contains several counts, all of which, under the allegations of the bill, aim at the validity of the copyright, challenging (1) those allegations which deal with the steps taken in compliance with the statutory formalities to vest copyright, and (2) the allegation concerning the subject matter as being of character copyrightable.

[1] Taking up these subjects in their order, it is noted that the first count of the demurrer questions the copyright because of the failure to register or enter, in form and manner provided by law, the title of the book or volume of the publication. Such formality as was necessary under the former law is not now required by act March 4, 1909, c. 320, 35 Stat., 1075 (U. S. Comp. St. Supp. 1909, p. 1289), under which the copyright for consideration was acquired. Copyright vests upon the publication of the book or publication with the notice of copyright under section 9 of the act. The allegations in the bill are full and sufficient, showing that the necessary steps of the statute were observed in securing the right and certificate of copyright.

[2] The second count questions the character of the person of the complainant as entitled to copyright. The complainant is a corporation created by the laws of New York, which, according to the bill, "wrote, designed and compiled and caused to be written, designed and compiled by those employed by it for the purpose, all of them citizens and residents of the United States, or aliens domiciled within the United States at the time of the first publication," the book of which it was the proprietor. The present act of Congress confers copyright on "the author or proprietor" (sec. 8), and provides that "the word 'author' shall include an employer in the case of works made for hire" (sec. 62).

Under the old law, which did not recognize or contemplate in its provisions our modern conditions, as the present law, corporations were even regarded as proper persons to secure copyright (*Mutual Advertising Co. v. Refo* [C. C.], 76 Fed., 961; *Edward Thompson Co. v. American Law Book Co.* [C. C.], 119 Fed., 217; *Schumacher v. Schwencke* [C. C.], 25 Fed., 466); and then, as well as now, the employer had the right to the copyright in the literary product of a salaried employee (*Collier Engineer Co. v. United Correspondence School Co.* [C. C.], 94 Fed., 152; *Atwill v. Ferrett*, 2 Blatchf., 39, Fed. Cas. No. 640).

All of the remaining counts deserving notice may be considered in connection with the other (2) allegations concerning the subject matter as being copyrightable.

[3] The illustrations which the defendant is alleged to have copied from the complainant's copyrighted book are so-called pictorial illustrations, being pictures of ladies attired in the latest or up-to-date styles, depicting the fashions in dress, supplemented by information concerning the materials which the complainant offers to make up in accordance therewith, and the prices at which it will do so. Are these so-called illustrations copyrightable component parts of the complainant's book? The act (sec. 5 [k]) expressly mentions "pictorial illustrations" as the proper subject of copyright, and they are now

considered the "writing of an author" as contemplated by section 8, Article I, of the Constitution, wherein it is provided that:

Congress shall have power to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their writings and discoveries.

"The act in question was passed in execution of the power here given, and the object thereof was the promotion of science and the useful arts." (*Baker v. Selden*, 101 U. S., 99; 25 L. Ed., 841.) This act no doubt should be liberally construed to give effect to its tenor and true intent. In keeping pace with the growth of the subject of this constitutional provision many statutes have been enacted, extending and enlarging its protection, covering not only maps, charts, and books, as originally, but comprehending now as well all the writings of an author, including, as set forth in the act of March 4, 1909: (a) Books, including composite and cyclopedic works, directories, gazetteers, and other compilations; (b) periodicals, including newspapers; (c) lectures, sermons, addresses, prepared for oral delivery; (d) dramatic or dramatico-musical compositions; (e) musical compositions; (f) maps; (g) works of art; models or designs for works of art; (h) reproductions of a work of art; (i) drawings or plastic works of a scientific or technical character; (j) photographs; (k) prints and pictorial illustrations.

The protection of the law is not confined to pictorial illustrations known as works of fine arts. This was not so even under the preceding act. In the case of *Bleistein v. Donaldson Lithographing Co.* (188 U. S., 239; 23 Sup. Ct., 298; 47 L. Ed., 460) Justice Holmes, delivering the opinion of the court, said:

We see no reason for taking the words connected with "the fine arts" as qualifying anything except the word "works," but it would not change our decision if we should assume further that they also qualified "pictorial illustrations," as the defendant contends.

If there is any limitation whatever to this term, it must be found in the words of the Constitution confining pictorial illustration to the "useful arts."

The contention of the defendant that if a picture has no other use than that of a mere advertisement, and no value aside from this function, it would not be promotive of the useful arts within the meaning of the constitutional provisions entitling the author to protection in the exclusive use thereof, was denied in the *Bleistein* case, the court saying that "a picture is none the less a picture and none the less a subject of copyright that it is used for an advertisement." The complainant's pictures or illustrations are more than mere advertisements of wearing apparel. They are, on their face, exceptionally excellent pictures, having value as compositions. They are no doubt the work embodying the personal reaction of artists of recognized skill in their calling, and, furthermore, admittedly, aside from their artistic merit as productions of peculiar value, they portray original conceptions and creations relating to wearing apparel of great interest to a large portion

of the public. In their ensemble, their details, designs, and general particulars they contain the something that appeals to the taste of an admiring public. It is this secret portrayed by the artist differing from other pictures of this kind in which lies their value and which apparently caught the eye of the defendant and furnishes the reason for protecting the fruits of the artist's labors by copyright.

[4] Nor does it matter that the pictures represent visible actual persons and things. Of course, the complainant can not monopolize the right to picture these. "Others are free to copy the original. They are not free to copy the copy. (*Blunt v. Patten*, 2 *Paine*, 397, 400; *Fed. Cas.*, No. 1, 580. See *Kelly v. Morris*, L. R. 1 Eq., 697; *Morris v. Wright*, L. R. 5, Ch. 279.) The copy is the personal reaction of an individual upon nature. Personality always contains something unique. It expresses its singularity even in handwriting, and a very modest grade of art has in it something irreducible, which is one man's alone. That something he may copyright unless there is a restriction in the words of the act." (*Bleistein v. Donaldson Lithographing Co.*, *supra*.)

Since it did appear to the court that the restrictions in the law as contained in the act then in vogue is not to be found in the limited pretensions of the chromolithographs used as advertisements of Wallace's show, and, as was further said, the least pretentious picture has more originality in it than directories and the like, which may be copyrighted, I see no reason why copyright should be withheld from the complainant's pictures of ladies showing to advantage wearing apparel of the latest styles and its manufacture under another and later act even more favorable than the former. In this conclusion I am, furthermore, strengthened by remembering also that courts will not undertake to assume the functions of critics or to measure carefully the degree of originality or literary skill or training involved (*Drury v. Ewing*, 1 *Bond*, 540; *Fed. Cas.* No. 4095; *Henderson v. Tompkins* (C. C.), 60 *Fed.*, 758), that pictures commanding public interest and having commercial value as well shall not thereby be deprived from privacy, and that the taste of the admiring public is not to be treated with contempt.

This case has nothing to do with cases involving attempts to copyright mere catalogues or price lists or labels sometimes containing pictures reproduced by photographic or other mechanical processes of articles intended for sale, but which obviously have no artistic merit or originality. These decisions, whether condemning or upholding such copyrights, do not touch the question involved in the case at bar, many of which having been overruled in the decision of the Bleistein case, distinguishing *Mott Iron Works v. Clow*, 82 *Fed.*, 316; 27 C. C. A., 250; also citing *Yuengling v. Schile* (C. C.), 12 *Fed.*, 97; *Schumacher v. Schwencke* (C. C.), 25 *Fed.*, 466; *Lamb v. Grand Rapids School Furniture Co.* (C. C.), 39 *Fed.*, 474.

The fallacy in the argument that the complainant can not copyright "productions of the industrial arts" lies in the confusion of the pictures with the things they depict in a particular way; that is, the wearing

apparel which appears in the illustration as part of the pictures. As said by Mr. Justice Bradley in *Baker v. Selden*, *supra*:

There is a clear distinction between the book as such and the article which it is intended to illustrate. The object of the one is illustration; of the other it is the use thereof. The former may be secured by copyright, the latter by patent.

The complainant does not claim to monopolize the manufacture and sale of the wearing apparel depicted by reason of its copyright. It does, however, claim the right thereby to prevent others from copying and appropriating its exclusive property in such pictures, and to this it is entitled by reason of its copyright, which appears to be valid.

The demurrer is therefore overruled.

[From the Federal Reporter, v.189, 8^o. St. Paul, West Publishing Co., 1912, pp. 215-219.]

DAM v. KIRK LA SHELLE CO.

(Circuit Court, S. D. New York. July 28, 1911.)

Dam v. Kirk 1. COPYRIGHTS (SEC. 87)—INFRINGEMENT—COMPUTATION OF PROFITS.
La Shelle Co.

On an accounting for profits made by defendant from the production of a play, which infringed a copyright of a story on which the play was based, owned by complainant, where defendant made its contracts by the season, each season should be taken as a unit in computing such profits; defendant not being entitled to credit against the profits of one season for losses incurred in another.

2. COPYRIGHTS (SEC. 87)—INFRINGEMENT—ACCOUNTING FOR PROFITS.

On such an accounting defendant is not entitled to charge as an expense against the profits made the sum paid by it for the play, but only the reasonable value of an exclusive license for the time the play was presented.

3. COPYRIGHTS (SEC. 87)—INFRINGEMENT—ACCOUNTING FOR PROFITS.

Defendant, a corporation having a capital stock of \$10,000, \$9,000 of which was owned by the widow of a former manager, is not entitled to credit on such accounting on account of a salary of \$25,000 per year which it contracted to pay her, in addition to a salary as manager for her services as president, and for certain other considerations which she did not furnish, but was entitled to credit for a reasonable salary for her services only.

In equity. Suit by Dorothy Dorr Dam, administratrix, against the Kirk La Shelle Co. On exceptions to report of special master. Sustained in part.

Sur exceptions of both parties to the report of the special master stating an account of the profits derived by the defendant from a play called *The Heir to the Hoorah*, which has been held to be an infringement of the dramatic rights of the complainant's intestate, as author of a story called *The Transmogrification of Dan*. (166 Fed., 589; 175 Fed., 902; 99 C. C. A., 392.)

Andrew Gilhooley, for complainant.

Hunt, Hill & Betts, for defendant.

WARD, circuit judge. Although the defendant and its immediate assignor purchased the play from the playwright, Paul Armstrong, in entire good faith and without notice of the complainant's rights, it is subject to the hard rule of having to account for all the profits it made by presenting it. Still the complainant's rights are not to be prejudiced

by the allowance to the defendant of credits for unreasonable payments or for payments made without consideration to third parties.

July 8, 1905, the defendant was incorporated by Mrs. Kirk La Shelle (now Mrs. Hunt), the widow and sole legatee of a well-known theatrical manager, and two of her assistants, under the name of the Kirk La Shelle Co. The capital of the company was \$10,000, in 100 shares of \$100 each, all paid in by Mrs. Hunt in cash, who gave 5 shares to each of the other incorporators in consideration of their faithful services to her husband and to herself. The defendant had no notice of the complainant's claim until November 4, 1905. In the meantime, July 11, 1905, it made a contract for the purchase of the play from Mrs. Hunt for \$16,000 and the assumption of all losses in connection with its presentation previous to July 8, 1905, and payment of the sum in which the disbursements had exceeded the receipts of presentation to date, viz., \$5,424.70 (sixth finding of fact). There was also a separate agreement to pay Mrs. Hunt \$100 a week as manager for every week the play should be presented. The defendant also made another contract with Mrs. Hunt, to pay her a salary of \$25,000 a year as president including the right to use the name of her deceased husband and her agreement to finance the company from time to time (seventh finding of fact).

It is obvious that these contracts were not made for the purpose of defeating the complainant's claim, of which the defendant had then no notice, by exhausting the company's earnings. It is more likely that the purpose was to reduce the value of the 10 shares which Mrs. Hunt gave the other two incorporators. At all events, that was the effect, because the company never paid a dividend, and at the time of the accounting was in debt to her in a considerable amount for salary. It can hardly be believed that if the other two incorporators, who, with Mrs. Hunt, composed the board of directors, paid for their shares, they would have consented to this salary contract.

The complainant contends that Mrs. Hunt, owning 90 shares of the capital stock, is really the company, and in making the contract before mentioned was simply dealing with herself. But the special master has held that the company is a separate entity, and I shall follow him in this.

[1] The next question is whether the defendant's profits shall be ascertained by treating the whole period of presentation as one or by resting at the end of each season or of each week or of each presentation. The special master fixed each season as a unit, and I think he was right in doing so. The defendant made its contracts for the season (twenty-third finding of fact) and kept its accounts in the same way. This is the natural way of ascertaining profits or losses. There might be cases, such as the building of costly separate machines, where each transaction could and should be considered separately. But the general business custom is to ascertain profits and losses annually.

These preliminary conclusions bring us to the question: What profits did the defendant make in each season it presented the play? The theatrical season is from September 15 to July 15. The defendant is entitled to credit against its earnings of each season all the direct

expenses of the presentations of the play, together with such a proportion of its general expenses as is fairly to be appropriated to it.

[2] The special master allowed the defendant a deduction of the whole purchase price of the play, which he found to be \$16,000, to the playwright, and \$5,424.70, the sum by which the expenses of presentation by Mr. La Shelle in his lifetime and by his widow afterwards down to July 8, 1905, exceeded the receipts. I think the purchase of the play was, so to speak, a capital charge and that only a fair charge for the use of it should be deducted from its earnings. The reasonable value of an exclusive license should be allowed for the times the play was presented.

The defendant should also be allowed (unless it be included in the exclusive license to use) the cost of the scenery, etc., which it obtained from Mrs. Hunt under the contract for the purchase of the play, and which I understand to be \$4,708.93 (fifteenth finding of fact).

The defendant presented the play but once in the season 1904-5, viz, for the last week, ending July 15, 1905, and incurred a loss of \$730.49. This week is to be treated as a unit. The complainant gets no profits and the defendant is entitled to no deduction from the earnings of the next season. For the same reason the master should not have allowed the defendant any deduction for the loss in the season of 1907-8. Both these periods are to be entirely disregarded, unless upon a resettlement of the account in accordance with this opinion a balance of profits be shown.

The special master rightly refused to allow the defendant to deduct payments made to Mrs. Hunt as royalties for ownership of her late husband in connection with the play. This was necessarily included in the contract for the purchase of the play after his death.

[3] The special master also erred in allowing the defendant to deduct anything for the use of Kirk La Shelle's name, which was one of the considerations mentioned in the \$25,000 salary contract. The defendant, as a corporation, had the right to use its own corporate name and, as the purchaser of the play, had a right to advertise the fact that it was originally presented by Kirk La Shelle. It seems to me that Mrs. Hunt gave nothing, and could give nothing, to the defendant in this connection. Moreover, if it be assumed that she did confer any right in the premises, there is no proof of its value. The testimony is pure speculation and wholly unsatisfactory. As for financing the company, the special master rightly held that Mrs. Hunt did none, and none was needed. The salary contract in respect to the foregoing features, though binding between the parties, was unreasonable and without consideration as against complainant's claim. Still, the defendant is entitled to a credit for reasonable salaries paid to its officials, and the special master having found (eleventh finding of fact) that the payment of \$7,500 to Mrs. Hunt for her services as president during the four theatrical seasons beginning with 1905-6 would be reasonable, and, as during that period the defendant was presenting only two plays, it should have a credit of one-half that sum as applicable to *The Heir to the Hoorah*, to be equally divided between the four seasons.

The defendant, under its contract to pay Mrs. Hunt \$100 every week the play was presented for services as manager, did pay her for considerable periods during which she was absent in Europe. The special master allowed these payments as against the complainant, and I will follow him in this respect with some doubt.

The defendant was properly charged with the amounts received for licenses of the play in the seasons 1908-9 and 1909-10, but, as heretofore held, should not have been credited with losses in prior seasons.

The foregoing will perhaps enable the parties to agree upon the amount of the decree to be entered in favor of the complainant, with costs; but if they do not, within 10 days after this opinion is handed down, the matter is referred to the special master to restate the account in accordance with this opinion.

[From the Federal Reporter, v. 189, 8°. St. Paul, West Publishing Co., 1912, pp. 842-845.]

NATIONAL CLOAK & SUIT CO. v. STANDARD MAIL ORDER CO.

(Circuit Court, S. D. New York, October 30, 1911.)

COPYRIGHTS (SEC. 39)—INFRINGEMENT—MANUFACTURERS' CATALOGUES.

National Cloak

A manufacturer of unpatented articles can not practically monopolize their sale & Suit Co. v. by copyrighting catalogue containing illustrations of them; nor can another man-*Standard Mail*ufacturer of identical articles be deprived of the right to illustrate them in his cata-*Order Co.*logue, providing his illustrations are not in fact copied from the copyrighted cata-logue.

Action by the National Cloak & Suit Co. against the Standard Mail Order Co. On demurrer to complaint. Demurrer overruled.

Archibald Cox, for complainant.

Howard Taylor, for defendant.

LACOMBE, circuit judge. I am entirely in accord with defendant in the proposition that a manufacturer of unpatented articles can not practically monopolize their sale by copyrighting a catalogue containing illustrations of them. From a comparison of the illustrations upon which complainant relies, the fair inference would seem to be that defendant makes some garments which are identical with complainant's and offers them for sale. If this be so, he can not be deprived of the right to issue a catalogue of the garments he offers, with illustrations showing what they look like, provided that his illustrations are drawn from the garments themselves, and not copied from complainant's copyrighted catalogue. The difficulty with undertaking to decide the case on demurrer is that we can not be sure how defendant's illustrations were produced. Complainant might be able to show that they were in fact copied from its own, and not drawn with the garments as models.

The demurrer is overruled, with leave to answer within 20 days.

[From the Federal Reporter, v. 191, 8°. St. Paul, West Publishing Co., 1912, p. 528.]

KALEM CO. v. HARPER BROS.

(Appeal from the Circuit Court of Appeals for the Second Circuit.)

No. 26. Argued October 31, November 1, 1911. Decided November 13, 1911

Kalem Co. v. Harper Bros. An exhibition of a series of photographs of persons and things, arranged on films as moving pictures and so depicting the principal scenes of an author's work as to tell the story, is a dramatization of such work, and the person producing the films and offering them for sale for exhibitions, even if not himself exhibiting them, infringes the copyright of the author under Rev. Stat., sec. 4952, as amended by the act of March 3, 1891, c. 565, 26 Stat., 1106.

Quaere whether there would be infringement if the illusion of motion were produced from paintings instead of photographs of real persons, and also *quaere* whether such photographs can be copyrighted.

Rev. Stat., sec. 4952, as amended by the act of March 3, 1891, c. 565, 26 Stat., 1106, confines itself to a well-known form of reproduction and does not exceed the power given to Congress under Art. I, sec. 8, cl. 8, of the Constitution, to secure to authors the exclusive right to their writings for a limited period.

169 Fed. Rep., 61, affirmed.

The facts are stated in the opinion.

Mr. John W. Griggs and Mr. Drury W. Cooper for appellant:

The court of appeals was right in affirming the proposition that the making and publication of a series of pictures of the incidents described in a book is not an infringement of a copyright in the book.

Copyright does not monopolize the intellectual conception, but only the form of expression, i. e., the "arrangement of words" (Holmes *v. Hurst*, 174 U. S., 86) adopted by the author. It is the writings of the author that are protected, and the statute can not extend the "monopoly" to his ideas. (White-Smith *v. Apollo*, 209 U. S., 17; Stowe *v. Thomas*, 2 Wall. Jr., 547; 23 Fed. Cas., 201, 206; Baker *v. Selden*, 101 U. S., 99; Johnson *v. Donaldson*, 3 Fed. Rep., 22; Perris *v. Hexamer*, 99 U. S., 674, 676; Bobbs-Merrill Co. *v. Straus*, 210 U. S., 339, 347.)

A moving picture film, whether made by a modern rapid-fire camera, or by the ancient and laborious process of taking, or drawing, and collating pictures of objects in successive positions, is a picture. (Edison *v. Lubin*, 122 Fed. Rep., 240; Am. Mutoscope Co. *v. Edison*, 137 Fed. Rep., 262; United States *v. Berst*, 175 Fed. Rep., 121. And see Edison *v. Mutoscope Co.*, 114 Fed. Rep., 926.)

Copyright law differs from the law of patents; in the former there may be two concurrent copyrights in what is identically the same creation; in the latter there can only be one patent, the first inventor being entitled. (MacGillivray on Copyrights, 243. And see Baker *v. Selden*, 101 U. S., 99.)

Termination of the author's common-law rights upon voluntary publication (Millar *v. Taylor*, 4 Burr., 2331) has been recognized frequently by this court and was known to the framers of the Constitution. (Stephens *v. Cady*, 14 How., 528, 530; Lithograph Co. *v. Sarony*, 111 U. S., 53, 58; Holmes *v. Hurst*, 174 U. S., 82, 86; Wheaton *v. Peters*, 8 Pet., 591, 676; and cases *passim*.)

If one, by copyrighting a book, can prevent an artist from picturing the scenes described, reason can not afford room for the orator to use,

in his flights of fancy, the author's created characters or figures of speech, for the idea is not open to appropriation or use in one case more than in the other. But it is the writing only, and not the idea, that is monopolized; the mode of expression and not the thought conveyed. Books and pictures are essentially different.

As to whether a painting is a manuscript, see *Parton v. Prang*, 18 Fed. Cas., 1273.

A series of moving pictures is not a copy of the book (*Perforated Music Roll Case*, 209 U. S., 1) nor are defendants' photographs copies of the book as the word copy is understood. (*Bennett v. Carr*, 96 Fed. Rep., 213.)

The statutory monopoly to make copies does not cover the plates and other tools with which they are made and does not pass with their ownership. (*Stephens v. Cady*, 14 How., 530.) Being a creature of the statute, this species of property is legally distinct from the underlying ideas upon which it is, after all, predicated, just as from the paper and metal without which it would have no commercial value.

A person may utilize the ideas portrayed in a copyrighted publication, provided he bestows upon his own writings such skill and labor as to produce an original result. (*Folsom v. Marsh*, 2 Story, 100, 115; S. C., 9 Fed. Cas., 342.) Utilizing ideas without copyrighting their expression is lawful. (*Dun Co. v. Lumbermen's Credit Association*, 209 U. S., 20; *Morris v. Wright* (1870), L. R. 5 Ch. 279; *West Pub. Co. v. Lawyers' Co.*, 64 Fed. Rep., 360; 79 Fed. Rep., 756; *Edward Thompson Co. v. American Co.*, 130 Fed. Rep., 369; 157 Fed. Rep., 1003.)

Not only is there no evidence here that the copyright proprietors were injured even in the slightest degree; but, on the contrary, the defendant asserted by letter that its films would benefit the complainants, and this they did not deny, but stood upon their naked assertion of legal right.

To transcribe a musical composition by making a record upon a phonograph blank, or by perforating a sheet of paper, requires neither creative nor artistic power, but merely the common skill of the artisan. Yet, to make such record is not to copy the composition, as has been held in every reported case that has come to our special knowledge. (*Kennedy v. McTammany*, 33 Fed. Rep., 584; *White-Smith Co. v. Apollo Co.*, 77 C. C. A., 368; 147 Fed. Rep., 226; 209 U. S., 1; *Boosey v. Wright*, 1 Ch., 122; *Stern v. Rosey*, 17 App. D. C., 562.)

Under *Lithograph Co. v. Sarony*, 111 U. S., 53, and *Bleistein v. Donaldson*, 188 U. S., 250, the films were legally copyrightable as they were the result of original conception, posing, and artistic skill.

A photograph can not be an infringement of a copyrighted book. (See *Littleton v. Ditson Co.*, 62 Fed. Rep., 597; 67 Fed. Rep., 905, holding that "book" is distinct from "musical composition"; *Woods v. Abbott*, Fed. Cas. No. 17938, holding that "photograph" is not a "print"; *Stowe v. Thomas*, 2 Wall., Jr., 547, holding that "translation" is not a "copy"; *Hills v. Austrich*, 120 Fed. Rep., 862, holding that "stone" does not include "metal plate.")

All the marks of literary property that distinguish the book or the drama are lacking from the picture, save in so far as both involve the same underlying ideas.

The exhibition of the pictures, arranged upon a film, which is, during all the time of its use, a part of a machine, is not an infringement of the book copyright.

The complainants' creation was not copied in the making of the pictures, but they are realizations, in a different art, of some of the ideas to which Gen. Wallace gave a written portrayal. Their exhibition by machine does not approach more nearly the writing of the book than did their making and selling.

Such exhibition of the pictures is not a "public performance or representation" in violation of the dramatic copyright act. (*Daly v. Palmer*, 6 Blatchf., 256; *Daly v. Webster*, 56 Fed. Rep., 483, distinguished. And see *Chatterton v. Cave*, 10 C. P., 572; *Hanststoengel v. Baynes*, 1895, App. Cas., 20.)

There are no cases in which an exhibition has been declared to be a dramatic performance or representation unless human actors are present and either performing themselves or at least causing dummies or puppets to move and act. (Drone on Copyrights, 587-589; *Russell v. Smith*, 12 Q. B., 236, 237; *Brackett on Theatrical Law*, p. 54; *Lee v. Simpson*, 3 C. B., 871; *Day v. Simpson*, 18 C. B. (N. S.), 680; *Turner v. Robinson*, 10 Irish Ch., 121, 510, distinguished.)

For cases where the courts have distinguished mechanical arrangements from dramatic performances, see *Harris v. Commonwealth*, 81 Virginia, 240; *Jacko v. The State*, 22 Alabama, 73; *Fuller v. Bemis*, 50 Fed. Rep., 926; *Carte v. Duff*, 23 Blatchf., 347; 25 Fed. Rep., 183; *Serrana v. Jefferson*, 33 Fed. Rep., 347.

The copyright statutes are to be construed strictly, and not stretched by resort to equitable considerations. (*Banks v. Manchester*, 128 U. S., 244; *Bolles v. Outing Co.*, 175 U. S., 262, 268; *Higgins v. Keuffel*, 140 U. S., 428; *Thompson v. Hubbard*, 131 U. S., 123. See, generally, *Oregon Ry. v. Oregonian Co.*, 130 U. S., 1, 26.)

In any event, defendant is not an infringer, direct or contributory. It does not give any performance in, nor does it manage, any theater. Dramatizing is entirely distinct from public performance or representation. As an act of infringement, it is defined, Revised Statutes, section 4965, and is punishable by forfeiture of plates; as a penal statute it must be strictly construed. (*Thornton v. Schreiber*, 124 U. S., 612; *Bolles v. Outing Co.*, 175 U. S., 262.) Section 4966 provides damages against public performances.

Defendant derives no profit from the exhibition, and hence is not within the class against which section 4966 is directed, for that operates against the actual wrongdoer (*Brady v. Daly*, 175 U. S., 174), not the indirect participant therein.

The defendant is not concerned with the ultimate use to which its films are put, and they are manifestly susceptible of many uses which complainants do not contend to be within the purview of a dramatic

copyright. (*Russell v. Briant*, 8 C. B., 836, 848; *Harper v. Shoppell*, 26 Fed. Rep., 519.)

If the act protects copyright in a drama against any exhibition of pictures, it is stretched to cover that which was not the work of the author, but of another, and therefore it is unconstitutional since that instrument limits the author's monopoly to his writings.

Mr. John Larkin for appellee Harper Brothers.

Mr. David Gerber for appellees Klaw & Erlanger.

Mr. Justice HOLMES delivered the opinion of the court.

This is an appeal from a decree restraining an alleged infringement of the copyright upon the late Gen. Lew Wallace's book *Ben Hur*. (169 Fed. Rep., 61; 94 C. C. A., 429.) The case was heard on the pleadings and an agreed statement of facts, and the only issue is whether those facts constitute an infringement of the copyright upon the book. So far as they need to be stated here they are as follows: The appellant and defendant, the Kalem Co., is engaged in the production of moving-picture films, the operation and effect of which are too well known to require description. By means of them anything of general interest from a coronation to a prize fight is presented to the public with almost the illusion of reality—latterly even color being more or less reproduced. The defendant employed a man to read *Ben Hur* and to write out such a description or scenario of certain portions that it could be followed in action; these portions giving enough of the story to be identified with ease. It then caused the described action to be performed and took negatives for moving pictures of the scenes, from which it produced films suitable for exhibition. These films it expected and intended to sell for use as moving pictures in the way in which such pictures commonly are used. It advertised them under the title "Ben Hur." "Scenery and supers by Pain's Fireworks Co. Costumes from Metropolitan Opera House. Chariot race by 3d Battery, Brooklyn. Positively the most superb moving-picture spectacle ever produced in America in sixteen magnificent scenes," etc., with taking titles, culminating in "Ben Hur victor." It sold the films and public exhibitions from them took place.

The subdivision of the question that has the most general importance is whether the public exhibition of these moving pictures infringed any rights under the copyright law. By Revised Statutes, section 4952, as amended by the act of March 3, 1891, c. 565, 26 Stat., 1106, authors have the exclusive right to dramatize any of their works. So, if the exhibition was or was founded on a dramatizing of *Ben Hur* this copyright was infringed. We are of opinion that *Ben Hur* was dramatized by what was done. Whether we consider the purpose of this clause of the statute, or the etymological history and present usages of language, drama may be achieved by action as well as by speech. Action can tell a story, display all the most vivid relations between men, and depict every kind of human emotion, without the aid of a word. It would be impossible to deny the title of drama to pantomime as played by masters of the art. (*Daly v. Palmer*, 6 Blatchf., 256, 264.) But if a pantomime of *Ben Hur* would be a dramatizing of *Ben Hur*, it

would be none the less so that it was exhibited to the audience by reflection from a glass and not by direct vision of the figures—as sometimes has been done in order to produce ghostly or inexplicable effects. The essence of the matter in the case last supposed is not the mechanism employed but that we see the event or story lived. The moving pictures are only less vivid than reflections from a mirror. With the former as with the latter, our visual impression—what we see—is caused by the real pantomime of real men through the medium of natural forces, although the machinery is different and more complex. How it would be if the illusion of motion were produced from paintings instead of from photographs of the real thing may be left open until the question shall arise.

It is said that pictures of scenes in a novel may be made and exhibited without infringing the copyright and that they may be copyrighted themselves. Indeed it was conceded by the circuit court of appeals that these films could be copyrighted and, we may assume, could be exhibited as photographs. Whether this concession is correct or not, in view of the fact that they are photographs of an unlawful dramatization of the novel, we need not decide. We will assume that it is. But it does not follow that the use of them in motion does not infringe the author's rights. The most innocent objects, such as the mirror in the other case that we have supposed, may be used for unlawful purposes. And if, as we have tried to show, moving pictures may be used for dramatizing a novel, when the photographs are used in that way they are used to infringe a right which the statute reserves.

But again it is said that the defendant did not produce the representations, but merely sold the films to jobbers, and on that ground ought not to be held. In some cases where an ordinary article of commerce is sold nice questions may arise as to the point at which the seller becomes an accomplice in a subsequent illegal use by the buyer. It has been held that mere indifferent supposition or knowledge on the part of the seller that the buyer of spirituous liquor is contemplating such unlawful use is not enough to connect him with the possible unlawful consequences (*Graves v. Johnson*, 179 Mass., 53), but that if the sale was made with a view to the illegal resale the price could not be recovered. (*Graves v. Johnson*, 156 Mass., 211.) But no such niceties are involved here. The defendant not only expected but invoked by advertisement the use of its films for dramatic reproduction of the story. That was the most conspicuous purpose for which they could be used, and the one for which especially they were made. If the defendant did not contribute to the infringement it is impossible to do so except by taking part in the final act. It is liable on principles recognized in every part of the law. (*Rupp & Wittgenfeld Co. v. Elliott*, 131 Fed. Rep., 730, 732; *Harper v. Shoppell*, 28 Fed. Rep., 613; *Morgan Envelope Co. v. Albany Paper Co.*, 152 U. S., 425, 433.)

It is argued that the law construed as we have construed it goes beyond the power conferred upon Congress by the Constitution to secure to authors for a limited time the exclusive right to their writings. (Art. I, sec. 8, cl. 8.) It is suggested that to extend the copyright to a case

like this is to extend it to the ideas as distinguished from the words in which those ideas are clothed. But there is no attempt to make a monopoly of the ideas expressed. The law confines itself to a particular, cognate and well known form of reproduction. If to that extent a grant of monopoly is thought a proper way to secure the right to the writings this court can not say that Congress was wrong.

Decree affirmed.

[From United States Reports, v. 222, 8°. New York, The Banks Law Publishing Co., 1912, pp. 55-63.]

MAIL & EXPRESS CO. v. LIFE PUB. CO.

(Circuit Court of Appeals, Second Circuit. January 8, 1912.) No. 115.

1. COPYRIGHTS (SEC. 38)—STATUTE—CONSTRUCTION—COMPONENT PARTS.

Mail & Express

Copyright act March 4, 1909, c. 320, sec. 3, 35 Stat., 1076 (U. S. Comp. St. Supp. Co. v. Life Pub. 1909, p. 1290), provides that the copyright provided for shall protect copyrightable *Co.* component parts of the work copyrighted, and all matter therein, in which copyright is already subsisting, but without extending the duration or scope of such copyright, and that the copyright on composite works or periodicals shall give to the proprietor all the rights in respect thereto which he would have if each part were individually entitled under the act. *Held*, that a copyright on a periodical protects the pictures therein as component parts of the periodical.

2. COPYRIGHTS (SEC. 69)—INFRINGEMENT—DAMAGES—ASSESSMENT—"COURT."

Copyright act March 4, 1909, c. 320, sec. 25, 35 Stat., 1081 (U. S. Comp. St. 1901, p. 1297), provides that an infringer of the copyright laws shall be liable to pay the proprietor such damages as he suffered by the infringement, as well as all profits which the infringer shall have made from such infringement, and in proving profits plaintiff shall be required to prove sales only, and the defendant every element of cost which he claims, or in lieu of actual damages and profits, such damages as to the court shall appear to be just, and in assessing such damages the court in its discretion may allow the amount thereafter stated, but, in the case of a newspaper reproduction of a copyrighted photograph, such damages shall not exceed the sum of \$200 nor be less than \$50, and such damages in no other case shall exceed \$5,000 nor be less than \$250, and shall not be regarded as a penalty. *Held*, that the statute, by using the word "court," did not require that the judge acting by himself should assess the damages when a case was presented calling for an award under the minimum damage clause, and that the court, under such circumstances, properly directed the jury that, if they found for plaintiff, they must award at least \$250 for each infringement.

In error to the Circuit Court of the United States for the Southern District of New York.

Action by the Life Publishing Co. against the Mail & Express Co. Judgment for plaintiff, and defendant brings error. Affirmed.

Charles S. Mackenzie (J. Joseph Lilly, of counsel), for plaintiff in error.

Spencer, Ordway & Wierum (O. C. Wierum, jr., of counsel), for defendant in error.

Before LACOMBE, WARD, and NOYES, circuit judges.

NOYES, circuit judge. The first contention of the defendant seems to be that the new copyright statute affords protection to proprietors of periodicals only in respect of such component parts thereof as were copyrightable by such proprietors. Stated more particularly, the

claim seems to be that when a periodical contains articles or pictures made by persons who have not transferred their rights to the publisher the copyright of the periodical does not cover them.

We have no reason to question the correctness of the defendant's contention. It is sufficient to say that the trial court ruled in accordance therewith and submitted the question involved to the jury. The verdict established that the artists sold their rights in these pictures to the plaintiff.

[1] The next contention seems to be that the plaintiff's copyright of its periodical does not protect the pictures as "component parts." But section 3 of the copyright act says in so many words that a copyright does protect "all copyrightable component parts of the work copyrighted" and that in the case of a periodical the copyright "gives the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this act."¹ The language of the statute is so exactly contrary to the defendant's claim that there seems to be no reason for interpretation nor ground for discussion.

The defendant further contends that the class of pictures in question here are of such a transitory nature that "unless they are specially registered as provided for in the act they fall within the public domain as soon as they are published." We find nothing in this proof to show that these pictures are of an especially transitory nature and nothing in the law to substantiate the defendant's contention.

[2] The defendant also contends that the trial court erred in charging the jury that if they found for the plaintiff they must award at least \$250 damages for each infringement. The relevant provisions of the section of the copyright act relating to damages are printed in the footnote² and the defendant urges that while the trial judge might have taken away the question of damages from the jury and himself have awarded the damages stated, he was not authorized to direct the jury to do so.

¹ Section 3 of the copyright act of 1909 reads as follows:

"That the copyright provided by this act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this act."

² SEC. 25. That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

* * * * *

(b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only, and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits, such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty.

While the language of the provision quoted is somewhat obscure, we do not think that by the use of the word "court" it is required that the judge acting by himself shall assess the damages when a case is presented calling for an award under the minimum damage clause. We think it the better view that the statute permits him to direct the jury to assess the damages within the prescribed limits. But if this is not the correct interpretation of the statute, we fail to see how the defendant was harmed by the action of the judge in this case. It is evident that he considered that the case was one in which an award of actual damages proven would not have been just and if he had himself fixed the damages under the statute he could not have awarded less than the minimum amount.

The remaining assignments present no error.

The judgment of the circuit court is affirmed.

[From the Federal Reporter, v. 192, 8°. St. Paul, West Publishing Co., 1912, pp. 899-901.]

WOODMAN *v.* LYDIARD-PETERSON CO.

(Circuit Court, D. Minnesota, Fourth Division. January 17, 1912.)

1. COPYRIGHTS (SEC. 29)—SUFFICIENCY OF NOTICE.

A copyrighted publication, designated on the title page as "Woodman's Minnetonka Map-Directory," which consists of a map, and also a directory with the name *Lydiard-Peterson* of the publisher printed on the map, and also the words "Copyright 1908," contains a sufficient notice to protect the copyright of the map.

2. COPYRIGHTS (SEC. 12)—VALIDITY—MAP.

A map is subject to copyright, although the material was obtained from prior publications not copyrighted, if it constitutes a new arrangement of such old material and also contains new and original features.

3. COPYRIGHTS (SEC. 64)—INFRINGEMENT—MAP.

Where every part of a map is copied from a copyrighted map, infringement is not avoided because certain features of the copyrighted map are omitted therefrom.

4. COPYRIGHTS (SEC. 87)—SUIT FOR INFRINGEMENT—DAMAGES—CONSTRUCTION OF STATUTE.

Copyright act March 4, 1909, c. 320, sec. 25; 35 Stat., 1081 (U. S. Comp. St., Supp., 1909, p. 1297), which provides that in a suit for infringement the complainant may recover actual damages and profits, or, in lieu thereof, such damages as to the court shall appear to be just, and that such damages shall not exceed the sum of \$5,000 nor be less than the sum of \$250, does not compel the court to award damages to the amount of \$250 if, in its opinion, the actual damages do not amount to so much.

5. COPYRIGHTS (SEC. 87)—SUIT FOR INFRINGEMENT—DAMAGES.

That defendant gave away a certain number of copies of a map which infringed complainant's copyright does not create any presumption that complainant was thereby deprived of the same number of sales and entitle him to damages on that basis.

In equity. Suit by Prentiss M. Woodman against Lydiard-Peterson Co. The evidence was taken orally in court at the final hearing. At the conclusion of the trial the court delivered its opinion, ordering a decree for complainant.

Charles J. Traxler for complainant.

Milton D. Purdy for defendant.

WILLARD, district judge. While it is not admitted in the answer that the defendant copied the map of the complainant, yet the evidence in the case shows that that was done, and I understand that no contention to the contrary is now made by counsel for defendant. So we start with the fact found that, the complainant having a copyrighted map or publication, the defendant has made copies of it and used them. The question is whether, under these circumstances, the bill can be maintained.

[1] There is first the preliminary question raised by the defendant to the effect that no notice was given of the copyright, as required by law. The thing copyrighted was Woodman's Minnetonka Map-Directory, and the thing copyrighted is described in a letter from the Librarian of Congress acknowledging the receipt of the title page.

That the book contains a proper notice of the copyright is admitted; but the question is whether the map is covered by the copyright notice found in the book. It is to be noticed, in the first place, that the title of this publication is "Map-Directory." It is not a directory alone; it is a map-directory, indicating that the map is included in the directory and made a part of it. When the table of contents is examined, we find on the first line in that table the words "Lake Minnetonka Map . . . Inside front cover." The map is in a pocket in the first page of the book.

It has been held repeatedly that the copyright of a magazine copyrights every article in the magazine, that it is not necessary that the copyright notice should be repeated upon each article, but that one notice in the beginning of the magazine protects all the contents of the magazine. If it were necessary, I should be inclined to hold that this copyright notice in the book itself protects the map. But I am of the opinion that the notice on the map itself is sufficient. It contains the words, "Copyright 1908." To be sure, it does not say, by P. M. Woodman, nor does it say copyrighted by Woodman; but nobody can have any doubt upon reading this language but that Woodman was the man who procured the copyright.

In the case of *Osgood v. A. S. Aloe Instrument Co.* (C. C.), 83 Fed., 470, there was no name whatever either after or before the word "Copyright." Here we do have "Woodman's Minnetonka Map-Directory." In that case there was no statement by whom it was published, as there is in this case. We also have the statement on the map that it was published by the Woodman Publishing Co., and we have on the title page the words "Woodman's Minnetonka Map-Directory." I do not see any reason for a very strict construction of the law. My recollection is that the strictness required by the former act has been materially modified by the present one. The object is to notify persons who is the owner of the publication, and the person by whom it is copyrighted, so that, if they make copies, they may know that they are infringing upon somebody's copyright. While it is probably material that some name be stated, yet I do not think that it is essential that the initials of the person copyrighting should be given. I therefore pass that con-

tention by, holding that there was sufficient notice given of the copyright as required by law.

[2] The other serious question is whether the defendant has taken any substantial part of the map of the complainant. That everything that there is in the map of the defendant is taken from the map of the complainant is admitted; but it is suggested that some things which were in the map of the complainant do not appear upon the map of the defendant. It is also suggested that there is nothing original in the map of the complainant; that he himself secured all his material, not from original research, but from other publications. The fact that he did secure all this material from other publications which were not copyrighted does not, to my mind, prevent him from getting a copyright upon this map, if it constitutes a new arrangement of old material; and that this map does constitute a new arrangement of old material I think is apparent. It contains some parts of Carver County; it contains more than had appeared upon any one piece of paper or map of that character; it is a combination of the Government and other maps. It is not true to say that it does not contain any original feature that had not appeared in any map prior to this time. It does contain quarter section lines. These, to be sure, are to some extent the same as those which had appeared in the Dahl Map; but that was accidental. They appeared in the Dahl Map because the boundaries of farms and tracts of land happened to coincide with the boundaries of the quarter sections. But an examination of the Dahl Map shows that, whenever the boundaries did not coincide with the quarter section line, then the quarter section lines were omitted. This is an original feature which the defendant availed himself of when he copied the map.

The complainant in his testimony specified some 38 features which he says were original in his map and did not appear in any other map unless it was in the Goverment map. It was suggested by counsel, as I understood him, that the complainant had a right to copyright features which appeared upon the Government map and did not appear upon any other map. I do not understand upon what basis that contention was made. I find nothing in the law to sustain it. On the contrary, it appears from section 7 of the act of March 4, 1909, that there is an express provision that no copyright shall be obtained of any Goverment publication. Therefore, eliminating from the 38 items specified by the complainant all those which had formerly appeared on the Government map, there still remain quite a number of original features, which, so far as the evidence shows, did not appear upon any other map. I think it specially appears that a part of a road near Holdridge did not appear upon the Government map. The complainant also specified a lake in the southeast quarter of section 29, and said that the road across it was new. An examination of the Government map shows that to be the fact. While the Government map does show two lakes, it shows no road across the narrowest point between them. Again, in section 1, town 116, the complainant testified that there was a road marked by a dotted line, which did not appear upon any other map. No evidence is produced to contradict that. So, in the north-

east corner of the northwest quarter of section 35, town 117, there is a road on the section line; and I might go through the different specifications that complainant made and point out several more instances which were not contradicted by evidence of the defendant. So I say that it is not true that there are no features at all in this map which are original with the complainant. These features are protected by the copyright.

The defendant itself had a right to take from the same sources that the complainant sought. It had a right itself to make a map which would be identical with the complainant's map and not infringe the copyright, but it did not see fit to do that. Instead of expending its own time and labor for that purpose and making a map which would be identical with complainant's map, and thus protecting itself, it made an exact copy of the complainant's map, and thereby saved itself the expenditure of time and labor which the complainant was compelled to expend himself in order to make his map.

[3] I think that there has been a case made out of copyright matter in this map, not only in the arrangement but also in the matter of original material, and that the defendant, having copied the map, has infringed this right. The fact that it left off the houses and the numbers can not, in my judgment, protect it. We might as well say that if it had copied only half the houses and left off the other half it would be protected. When it copied the map without the houses, it copied the essential features of the arrangement and the new elements to which I have called attention.

This I think is a proper case for an injunction restraining the defendant from making, disposing of, distributing, or in any way using this map.

[4] The serious question is with regard to the damages. It is admitted that the defendant did not sell its maps. It made nothing at all out of them, and the complainant very properly waived all rights to an accounting in the matter of profits. The law allows a complainant in a case of this kind to recover damages. Prior to the act of 1909 he had to prove his damages. That act seems to have made some radical changes upon this subject. It provides (sec. 25):

To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty.

The rest of the section is of no importance here except subdivision 2, which provides that:

In the case of any work enumerated in section five of this act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold may be allowed.

The anomalous provision in this section is this: That the court may in lieu of actual damages and profits in its discretion allow such damages as shall appear to be just, yet it apparently requires such damages in this case to be \$250. But it can not be possible that, where the court is of the opinion that there were no damages at all, it still is bound to allow \$250, and that, where the court is of the opinion that it would be a matter of injustice to allow even \$1, it would be compelled by law to allow \$250. Some other construction must be given to that provision. I think it means that where the court is satisfied that there are substantial damages, but the evidence is incomplete or is insufficient, so that the court can not determine just what the damages are, then it may allow them on that basis. But wherever the court is of the opinion that the damages can not be more than \$50 or \$100, it should not allow \$250.

[5] In this case the evidence shows that for the six months prior to the publication by defendant of its map the total proceeds received by the complainant were \$50; what part of that was profit does not appear. An injunction being allowed, any further distribution of this map will be stopped, so that the damages to be considered can be only such damages as the complainant has suffered from the time of the publication by the defendant, which was March of this year, up to the present date, which is a period of about six months. I can not see how these damages can amount to more than \$50. It is suggested that, a thousand of these maps of the defendant having been distributed, the complainant has lost a thousand purchasers. That is on the assumption that, if the defendant had not given away a map to each one of these thousand men, the complainant would have gone to each of them and sold him a map for a dollar or 50 cents, and thereby made a profit.

But such a presumption is altogether too violent. There is no presumption that each of these men would have gone to the complainant and paid him a dollar or 50 cents for his map, and there is no showing that they would. There is no way of determining whether the complainant could have got into communication with these men so as to have sold them one map. So I am inclined to disregard that feature of the statute which fixes the damages at \$250 as a minimum, and I will allow the complainant \$75 damages and an injunction.

A decree may be entered, therefore, for a permanent injunction as prayed for in the bill, for the sum of \$75 damages, and the sum of \$50 as an attorney's fee. A decree will also go for the complainant for his costs in the case. This disposition of the case will render unnecessary a reference, accounting, or any further proceeding before the master, or otherwise.

FERRIS v. FROHMAN

(Error to the Supreme Court of the State of Illinois.)

No. 44. Submitted November 7, 1911. Decided February 19, 1912

Ferris v. Frohman—Although complainant may assert his own common-law copyright to his play, if he alleges that defendant has obtained a copyright for the play sought to be enjoined and the defendant stands upon the copyright and is enjoined, a Federal right is set up and denied, and this court has jurisdiction to review the judgment, under section 709, Revised Statutes.

Under the law as it existed in 1894, after a play had been performed in England, the rights of the owner to protection against the unauthorized production in England is only that given by the statutes; but the deprivation of common-law rights by force of the statutes was limited by territorial bounds within which the statute was operative.

Public representation in this, or in another, country of a dramatic composition not printed and published, does not deprive the owner of his common-law right save by operation of statute.

At common law the public performance of a play is not an abandonment to public use. The purpose and effect of the copyright law is not to render fruits of piracy secure; and a copyright does not protect one producing a play which is substantially a copy of an unprinted and unpublished play, the common-law property right whereof is in another.

238 Illinois, 430, affirmed.

The facts, which involve the right of authors to unpublished dramatic compositions and productions on the stage, are stated in the opinion.

Mr. Charles H. Aldrich, with whom Mr. Charles R. Aldrich, Mr. Charles G. McRoberts, and Mr. L. E. Chipman were on the brief, for plaintiff in error:

Plaintiff in error properly claimed below that the play which he was presenting and against which the injunction was sought, was protected by copyright under section 4952, Revised Statutes, and that the assertion of common-law rights in a drama which had been copyrighted in England by its authors who were citizens of Great Britain was in conflict with the copyright arrangements between Great Britain and this country and the act of March 3, 1891.

The final decision of the Supreme Court of Illinois was against these claimed rights and a Federal question is therefore involved. (*Erie R. R. Co. v. Purdy*, 185 U. S., 148, 153; *C., B. & Q. Ry. Co. v. Illinois*, 200 U. S., 561, 580, 581; *Murdock v. Memphis*, 20 Wall., 635; *Pickering v. Lomax*, 145 U. S., 310; *U. P. R. R. Co. v. Colburn*, 164 U. S., 383; *Green Bay, &c., Canal Co. v. Patten Paper Co.*, 172 U. S., 58, 68; *Dale Tile Company v. Hyatt*, 125 U. S., 46; *Atherton v. Fowler*, 91 U. S., 143.)

There could have been no decision in favor of the plaintiff below that did not in effect deny the right claimed under the copyright laws of the United States by the defendant below. In such case there is a Federal question whether mentioned in the opinion of the court below or not. (*Erie R. R. Co. v. Purdy*, 185 U. S., 148, 153; *C., B. & Q. Ry. Co. v. Illinois*, 200 U. S., 561, 580, 581; *Murray v. Chatterton*, 96 U. S., 432, 441, 442.)

The statute 5 and 6 Vict., c. 45, sec. 20, makes public performance of a dramatic work with the author's or owner's consent equivalent to the first publication of a book.

And in England it is held that performance in the United States with the owner's consent terminates the author's playright in England and makes the performing right *publici juris*. (*Boucicault v. Chatterton*, 5 L. R. Ch. Div., 267; *Boucicault v. Delafield*, 1 H. & M., 597; 7 & 8 Vict., c. 12, sec. 19; *Drone on Copyright*, 583; *Jefferys v. Boosey*, 4 H. L. Cas., 815, 847, 852, 856; *Chappell v. Purday*, 14 M. & W., 393; *Boosey v. Purday*, 4 Ex. Rep., 145.)

The performing right or playright had no existence at common law separate and apart from the manuscript of the author, but dates its origin from 3 and 4 Wm. IV, c. 15, and in this country from the act of Congress, August 18, 1856, 11 Stat., 138. (*Boucicault v. Chatterton*, L. R. 5 Ch. Div., 269; *Wall v. Taylor*, 9 L. R. Q. B. D., 727, 730; *Donaldson v. Beckett*, 4 Burr., 2408; *Jefferys v. Boosey*, 4 H. L. Cas., 815, 920.)

The English act was passed to give the right of performance and was brought about by the decision in *Murray v. Elliston*, 5 B. & Ald., 657; *Chappell v. Boosey*, 21 Ch. Div., 232, 241.

The public performance of a drama is in all respects analogous to the right to multiply copies of a book. It is not a common-law right distinct from the manuscript. (Cases *supra* and *Wheaton v. Peters*, 8 Pet., 590; *Banks v. Manchester*, 129 U. S., 123, 151; *White-Smith Music Co. v. Apollo Co.*, 209 U. S., 1, 15.)

The statutes and decisions cited make public performance of the play a "publication" equivalent to the publication of a book and the word should have the same meaning in the law of literary property in this country if that equality of right with respect to such property as between the citizens of the United States and those of the Kingdom of Great Britain intended by the international copyright arrangement and the acts passed to carry it into effect is not to be defeated.

There can be but one publication and it makes no difference where this is made if with the consent of the author or proprietor. (The *Mikado Case*, 25 Fed. Rep., 183; *Drone on Copyright*, pp. 293, 295, and 577; *Boucicault v. Wood*, Fed. Cases, No. 1683; *Pierce & Bushnell Mfg. Co. v. Werckmeister*, 72 Fed. Rep., 54; 7 Amer. & Eng. Ency. of Law, 2d ed., p. 528, sub. *Copyright*; 25 Cyc., 1495, and cases cited.)

The contention of defendant in error is rendered presumptively unsound by the history of the struggle for international copyright arrangements. (2 Sen. Doc., 24th Cong., 2d sess., Doc. 179, and Messages of President therein; Report Royal Commissioners on Copyright; sec. 4971, Rev. Stat.; Act Mar. 3, 1891, 26 Stat., 1106-1110.)

It was not the intention of Congress to give to foreign citizens and composers advantages in this country which, according to the international copyright convention, were to be denied to citizens of this country abroad. (*White-Smith Music Co. v. Apollo Co.*, 209 U. S., 1, 15.)

No copyright can be obtained in this country after a publication in this or any foreign country. (Rev. Stat., sec. 4956.)

Publication puts an end to common-law rights and all rights of the author or proprietor, unless he at the same time takes steps to initiate and secure statutory rights. (Drone on Copyright, pp. 100-104; MacGillivray on Copyright, 36-38; Mercantile Agency *v.* Jewelers' Pub. Co., 155 N. Y., 241; Mifflin *v.* White Co., 190 U. S., 260; Mifflin *v.* Dutton, 190 U. S., 265.)

The two rights do not coexist in the same composition. (Drone on Copyright, pp. 100-104; Bobbs-Merrill Co. *v.* Straus, 210 U. S., 339, 346; Fraser *v.* Yack, 116 Fed. Rep., 285; Mercantile Agency *v.* Jewelers' Pub. Co., 155 N. Y., 241; Tompkins *v.* Halleck, 133 Mass., 32, 36.)

The claim that this proposition should be limited by adding the words "in the same country," or equivalent words, as contended by counsel for defendant in error, is without foundation.

Copyright in a book or drama is the exclusive right of the owner to multiply and dispose of copies; this is where the drama is treated as a book. Playright is the exclusive right of public performance of the dramatic or musical composition. There is no reason why one should cease upon publication, or when devoted to unrestricted public use, and not the other.

Mr. Levy Mayer for defendants in error:

This court has no jurisdiction of the present writ of error. (Appleby *v.* Buffalo, 221 U. S., 524; Waters-Pierce Oil Co. *v.* Texas, 212 U. S., 86; Harding *v.* Illinois, 196 U. S., 78; Howard *v.* Fleming, 191 U. S., 126; Home for Incurables *v.* New York, 187 U. S., 155; De Lamars *v.* Nesbitt, 177 U. S., 523; Sayward *v.* Denney, 158 U. S., 180.)

The public performance in England of a manuscript play which under the British statutes is made a publication and deprives the author of his common-law right of exclusive representation, does not deprive the author of such common-law right in this country where public performance is not deemed a publication. (Crowe *v.* Aiken, 2 Biss., 208; S. C., Fed. Cas. No. 3441; Palmer *v.* De Witt, 2 Sweeny, 530; S. C., 40 How. Pr., 293; aff'd 47 N. Y., 532; Tompkins *v.* Halleck, 133 Massachusetts, 32; Drone on Copyright, 118-121, 554, 574; Wandell, Law of the Theater, 479; 25 Cyc., 1497.)

At common law and before the passage of copyright statutes an author had an exclusive property right in his manuscript. (Cases *supra*, and see Drone on Copyright, 102.)

The public performance of a manuscript drama is not in this country a publication, but the author still retains his common-law right to its exclusive representation. (Drone on Copyright Law, 119; cases *supra* and Boucicault *v.* Hart, 13 Blatchf., 47; S. C., Fed. Cas. No. 1692; Aronson *v.* Fleckenstein, 28 Fed. Rep., 75; 25 Cyc., 1497, and cases cited.)

A different rule prevails in England by statute. (Stats. 3 and 4 Wm. IV, c. 15; Stats. 5 and 6 Vict., c. 45, sec. 20; Boucicault *v.* Delafield, 1 Hem. and M., 597; Boucicault *v.* Chatterton, 5 Ch. Div., 267; Drone on Copyright, pp. 574, 605, 656; MacGillivray on Copyright, 126; Scruton on Copyright, 3d ed., 72.)

The provisions of the English statutes in regard to registration of dramatic compositions are permissive only. (Drone on Copyright, pp.

280, 603; MacGillivray on Copyright, 47, 133; Scrutton on Copyright, 3d ed., 88; 8 Halsbury's Laws of England, 179; Russell *v.* Smith, 12 Q. B. [Ad. & El. (N. S.)], 217; Clark *v.* Bishop, 27 L. T. (N. S.), 908.)

The *lex domicilii* can not fix the status of literary property where the author seeks to enforce rights in respect thereto in a foreign country. (1 Morgan, Law of Literature, 479; Drone on Copyright, 581; Story's Conflict of Laws, sec. 550; cases *supra*, and Baglin *v.* Cusenier Co., 221 U. S., 580; Minor *v.* Cardwell, 37 Missouri, 350.)

Mr. Justice HUGHES delivered the opinion of the court.

This is a writ of error to the Supreme Court of Illinois.

The suit was brought by Charles Frohman, Charles Haddon Chambers, and Stephano Gatti (defendants in error), to restrain the production of what was alleged to be a piratical copy of a play known as *The Fatal Card*. Its authors were Charles Haddon Chambers and B. C. Stephenson, British subjects resident in London, who composed it there in 1894. The firm of A. & S. Gatti, theatrical managers of London, of which the complainant Gatti is the surviving partner, became interested with the authors and on September 6, 1894, the play was first performed in London. It was registered under the British Statutes on October 31, 1894, and again on November 8, 1894. Charles Frohman, of New York, by agreement of June 13, 1894, obtained the right of production in this country for five years. On March 25, 1895, Frohman acquired all the interest of Stephenson in the play in and for the United States, and it was extensively represented under his supervision. It was not copyrighted here.

George E. McFarlane made an adaptation of this play, called it by the same name, and transferred it to the plaintiff in error, Richard Ferris, of Illinois, who copyrighted it in August, 1900, under the laws of the United States, and later caused it to be performed in various places in this country. The adapted play differed from the original in various details, but not in its essential features.

The Superior Court of Cook County found that the complainants were the sole owners of the original play; that it had never been published or otherwise dedicated to the public in the United States or elsewhere, and that the Ferris play was substantially identical with it. Ferris was directed to account, and was perpetually restrained from producing the adaptation which he had copyrighted. The Appellate Court for the First District reversed the decree (131 Ill. Ap., 307), but on appeal to the Supreme Court of Illinois this decision was reversed and the decree of the Superior Court was affirmed. (238 Illinois, 430.)

The defendants in error contest the jurisdiction of this court upon the ground that the bill was based entirely upon a common-law right of property, and insist that the upholding of this right by the State court raises no Federal question. But the complainants sued, not simply to maintain their common-law right in the original play, but by virtue of it to prevent the defendant from producing the adapted play which he had copyrighted under the laws of the United States. They challenged a right which the copyright, if sustainable, secured. (R. S., 4952.) It was necessary for them to make the challenge, for they could

not succeed unless this right were denied. Ferris stood upon the copyright. That it had been obtained was alleged in the bill, was averred in the answer, and was found by the court. The fact that the court reached its conclusion in favor of the complainants, by a consideration, on common-law principles, of their property in the original play does not alter the effect of the decision. By the decree Ferris was permanently enjoined "from in any manner using, . . . selling, producing, or performing . . . the said defendant's copyrighted play hereinbefore referred to for any purpose." The decision thus denied to him a Federal right specially set up and claimed within the meaning of sec. 709 of the Revised Statutes of the United States. This court, therefore, has jurisdiction. (C. B. & Q. Ry. Co. v. Drainage Commissioners, 200 U. S., 561, 580, 581; McGuire v. Commonwealth, 3 Wall., 382, 385; Anderson v. Carkins, 135 U. S. 483, 486; Shively v. Bowlby, 152 U. S., 1, 9; Northern Pacific R. R. Co. v. Colburn, 164 U. S., 383, 385, 386; Green Bay &c. Canal Co. v. Patten Paper Co., 172 U. S., 58, 67, 68.)

The substantial identity of the two plays was not disputed in the appellate courts of Illinois, and must be deemed to be established. The contention was, and is, that after the public performance of the original play in London in 1894 the owners had no common-law right, but only the rights conferred by the British statutes, and that Frohman's interest (save the license which expired in 1899) was subsequently acquired. Hence, it is said, the play not being copyrighted in the United States was *publici juris* here, and the adapter was entitled to use it as common material.

Performing right was not within the provisions of 8 Anne, c. 19, which gave to authors the sole liberty of printing their books. (Coleman v. Wathen, 5 T. R., 245.) The act of 1833, known as Bulwer-Lytton's Act, conferred statutory playright in perpetuity throughout the British dominions, in the case of dramatic pieces not printed and published, and for a stated term if printed and published. (3 and 4 Wm. IV, c. 15.) By section 20 of the copyright act of 1842, 5 and 6 Vict., c. 45, it was provided that the sole liberty of representing any dramatic piece should be the property of the author and his assigns for the term therein specified for the duration of copyright in books. The section continued "and the provisions hereinbefore enacted in respect of the property of such copyright, and of registering the same, shall apply to the liberty of representing or performing any dramatic piece or musical composition as if the same were herein expressly reenacted and applied thereto, save and except that the first public representation or performance of any dramatic piece or musical composition shall be deemed equivalent, in the construction of this act, to the first publication of any book." Mr. Scrutton, in his work on copyright (4th ed., p. 77), states that it is "probable, though there is no express decision to that effect, that the court, following Donaldson v. Beckett, 2 Bro. Cases in Parl., 129, would hold the common-law right destroyed by the statutory provisions after first performance in public." (Compare MacGillivray on Copyright, pp. 122, 127, 128.) And it may be assumed,

in this case, that after the play had been performed the right of the owners to protection against its unauthorized production in England was only that given by the statutes.

Further, in the absence of a copyright convention, there is no play-right in England in the case of a play, not printed and published, where the first public performance has taken place outside the British dominions. This results from section 19 of the act of 7 and 8 Vict., c. 12, known as the international copyright act, which provides: "Neither the author of any book nor the author or composer of any dramatic piece or musical composition . . . which shall after the passing of this act be first published out of Her Majesty's dominions shall have any copyright therein, respectively, or any exclusive right to the public representation or performance thereof, otherwise than such (if any) as he may become entitled to under this act." The provision applies to British subjects as well as to foreigners, and the words "first published" include the first performance of a play. In *Boucicault v. Delafield*, 1 H. & M., 597, the author of the play known as *The Colleen Bawn* filed a bill to restrain a piratical production. It appeared that the play had first been represented in New York, and by reason of that fact—there being no copyright convention with the United States—it was held that, under the statute above quoted, there was no play-right in England. To the same effect is *Boucicault v. Chatterton*, 5 Ch. Div., 267, where the author unsuccessfully sought to restrain an unauthorized performance of *The Shaughraun*, an unprinted play which had first been represented here.

The British Parliament, in thus fixing the limits and conditions of performing rights, was dealing with rights to be exercised within British territory. It is argued that the English authors in this case, by the law of their domicile, were without common-law right and in its stead secured the protection of the British statutes which can not avail them here. But the British statutes did not purport to curtail any right of such authors with respect to the representation of plays outside the British dominions. They disclose no intention to destroy rights for which they provided no substitute. There is no indication of a purpose to incapacitate British citizens from holding their intellectual productions secure from interference in other jurisdictions according to the principles of the common law. Their right was not gone *simpliciter*, but only in a qualified sense for the purposes of the statutes, and there was no convention under which the authors' work became public property in the United States. (See *Saxlehner v. Eisner*, 179 U. S., 19, 36, *Saxlehner v. Wagner*, 216 U. S., 375, 381.) When section 20 of the act of 5 and 6 Vict., c. 45, provided that the first public performance of a play should be deemed equivalent, in the construction of that act, to the first publication of a book, it simply defined its meaning with respect to the rights which the statutes conferred. The deprivation of the common-law right, by force of the statute, was plainly limited by the territorial bounds within which the operation of the statute was confined.

The present case is not one in which the owner of a play has printed and published it and thus, having lost his rights at common law, must depend upon statutory copyright in this country. The play in question has not been printed and published. It is not open to dispute that the authors of *The Fatal Card* had a common-law right of property in the play until it was publicly performed. (*Donaldson v. Beckett*, 2 Bro. Cases in Parl., 129; *Prince Albert v. Strange*, 1 MacN. & G., 25; *Jefferys v. Boosey*, 4 H. L. C., 815, 962, 978.) And they were entitled to protection against its unauthorized use here as well as in England. (*Wheaton v. Peters*, 8 Pet., 591, 657; *Paige v. Banks*, 13 Wall., 608, 614; *Bartlett v. Crittenden*, 5 McLean, 32; *Crowe v. Aiken*, 2 Biss., 208; *Palmer v. De Witt*, 2 Sweeny, 530; 47 N. Y., 532.)

What effect, then, had the performance of the play in England upon the rights of the owners with respect to its use in the United States? There was no statute here by virtue of which the common-law right was lost through the performance of the unpublished play. The act of August 18, 1856 (11 Stat., 138, c. 169), related only to dramatic compositions for which copyright had been obtained in this country; its object was to secure to the author of a copyrighted play the sole right to its performance after it had been printed. (*Boucicault v. Fox*, 5 Blatchf., 87, 97, 98.) The same is true of the provisions of the copyright act of July 8, 1870 (16 Stat., 198, 212, 214; R. S., 4952, 4966), and of those of the act of March 3, 1891 (26 Stat., 1106, 1107), which were in force when the transactions in question occurred and this suit was brought. The fact that the act of March 3, 1891, was applicable to citizens of foreign countries, permitting to our citizens the benefit of copyright on substantially the same basis as its own citizens (sec. 13), and that proclamation to this effect was made by the President with respect to Great Britain (27 Stat., 981), did not make the British statutes operative within the United States. Nor did that fact add to the provisions of the act of Congress so as to make the latter destructive of the common-law rights of English subjects in relation to the representation of plays in this country, which were not copyrighted under that act and which remained unpublished. These rights, like those of our own citizens in similar case, the act of 1891 did not disturb.

The public representation of a dramatic composition, not printed and published, does not deprive the owner of his common-law right, save by operation of statute. At common law, the public performance of the play is not an abandonment of it to the public use. (*Macklin v. Richardson*, Ambler, 694; *Morris v. Kelly*, 1 Jac. & W., 481; *Boucicault v. Fox*, 5 Blatchf., 87, 97; *Crowe v. Aiken*, 2 Biss., 208; *Palmer v. DeWitt*, 2 Sweeny, 530, 47 N. Y., 532; *Tompkins v. Halleck*, 133 Mass., 32.) Story states the rule as follows: "So, where a dramatic performance has been allowed by the author to be acted at a theater, no person has a right to pirate such performance, and to publish copies of it surreptitiously; or to act it at another theater without the consent of the author or proprietor; for his permission to act it at a public theater

does not amount to an abandonment of his title to it, or to a dedication of it to the public at large." (2 Story, Eq. Jur., sec. 950.) It has been said that the owner of a play can not complain if the piece is reproduced from memory. (*Keene v. Wheatley*, 9 Am. Law Reg., 33; *Keene v. Kimball*, 16 Gray, 545.) But the distinction is without sound basis and has been repudiated. (*Tompkins v. Halleck*, *supra*.)

And, as the British statutes did not affect the common-law right of representation in this country, it is not material that the first performance of the play in question took place in England. In *Crowe v. Aiken* (1870), *supra*, the play Mary Warner had been composed by a British subject. It was transferred to the plaintiff with the exclusive right to its representation on the stage in the United States for five years from June 1, 1869. It had not been printed with the consent either of the author or of the plaintiff. It was first publicly performed in London in June, 1869, and afterwards was represented here. The court (Drummond, J.) held that the plaintiff by virtue of his common-law right was entitled to an injunction restraining an unauthorized production. In *Palmer v. De Witt* (1872), *supra*, the suit was brought to restrain the defendant from printing an unpublished drama called *Play*, composed by a British citizen resident in London. The plaintiff, on February 1, 1868, had purchased the exclusive right of printing and performing the play in the United States. On February 15, 1868, it was first performed in London. It was held that the common-law right had not been destroyed by the public representation, and the plaintiff had judgment. In the case last cited, and apparently in that of *Crowe v. Aiken*, the transfer to the plaintiff antedated the public performance, but neither decision was rested on that distinction. In *Tompkins v. Halleck* (1882), *supra*, an unpublished play called *The World* had been written in England, where, after being presented, it was assigned by the author to a purchaser in New York. It was acted in that city and then transferred to the plaintiffs with the exclusive right of representation in the New England States. The plaintiff's common-law right was sustained, and an unauthorized performance was enjoined.

Our conclusion is that the complainants were the owners of the original play and exclusively entitled to produce it. Their common-law right with respect to its representation in this country had not been lost. This being so, the play of the plaintiff in error, which was substantially identical with that of the complainants, was simply a piratical composition. It was not the purpose or effect of the copyright law to render secure the fruits of piracy, and the plaintiff in error is not entitled to the protection of the statute. In other words, the claim of Federal right upon which he relies is without merit.

Judgment affirmed.

[From United States Reports, v. 223, 8°. New York, The Banks Law Publishing Co., 1912, No. 3, March 20, 1912, pp. 424-437.]

NEW YORK TIMES CO. v. STAR CO.

(Circuit Court, S. D. New York. April 5, 1912.)

New York 1. COPYRIGHTS (SEC. 2)—STATUTORY PROVISIONS—POWERS OF CONGRESS.
Times Co. v. Star The subject of statutory copyright is wholly within the powers of Congress, and it may restrict in any way the maintenance of actions or proceedings in the courts for infringement of copyright.

2. COPYRIGHTS (SEC. 74)—INFRINGEMENT—JURISDICTION—INJUNCTION.

Under act of Congress March 4, 1909, c. 320, sec. 12, 35 Stat., 1078 (U. S. Comp. St. Supp., 1909, p. 1293), providing for copyright and declaring that no "action or proceeding shall be maintained for infringement of copyright" until the provisions with respect to the deposit of copies and registration of the work has been complied with, and that actions or proceedings shall be cognizable by enumerated courts and that civil actions may be instituted in the district of which defendant is an inhabitant, etc., an injunction enjoining the publication of an alleged copyright work, issued in a suit in equity and served before two copies of the work have been deposited in the copyright office or mailed, addressed to the register of copyrights, is void because of want of jurisdiction of the suit; the quoted phrase including a suit in equity.

In equity. Application by the New York Times Co. to punish the Star Co. for contempt for violation of an injunction. Denied.

Leventritt, Cook & Nathan for complainant.

Clarence J. Shearn for defendant.

LACOMBE, circuit judge. This proceeding grew out of the transactions referred to in the decision on motion for preliminary injunction. The order to show cause included a restraining order or temporary injunction, and it is charged by complainant that defendant published an account of Amundsen's journey to the South Pole, which was a colorable copy of its copyrighted narrative. Many points have been argued, but it will not be necessary to discuss them all.

The bill was verified March 8. It stated that complainant "is about to file two complete copies of the best edition when published." The order to show cause and restraining order were signed March 8 and were served on some one in the office of the defendant about midnight on the same day. Very early in the morning of March 9 the publication of complainant's copyrighted narrative and of defendant's paraphrase thereof appeared in their respective newspapers. The two copies of the copyrighted work were filed in the office of the register of copyrights, Washington, D. C., on March 9, on or after the opening of that office on that day. On these facts the question arises: Was complainant entitled to maintain an action such as this when the order was served at midnight on March 8?

The action is based upon the statute, and the answer to this question must be found in its provisions. Section 9 of the act of March 4, 1909 (35 Stat., 1077, c. 320 [U. S. Comp. St. Supp. 1909, p. 1292]), provides:

That any person entitled thereto by this act may secure copyright for his work by publication thereof with the notice of copyright required by this act, etc.

The bill shows that such a publication had been made before it was verified. Complainant thereby had then secured its copyright. Ownership of copyright and the vindication of such ownership by suit

are different things. The latter is provided for in section 12, which reads:

That after copyright has been secured by publication of the work with the notice of copyright, as provided in section nine of this act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published. * * * No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this act with respect to the deposit of copies and registration of such work shall have been complied with.

[1, 2] The subject of statutory copyright being one wholly within the powers of Congress, it had full power to restrict in any way it chose the maintaining of such actions or proceedings in the courts as are concerned with the subject of infringement of the rights secured by such statute. A prohibition so broad as this goes to the jurisdiction of the courts to entertain such action or proceedings; and if the prohibition were operative when the injunction was served, the latter would be void, because made in an action which could not be maintained and of which, therefore, the court could not have jurisdiction.

The papers submitted indicate that at midnight of March 8, when the injunction was served, the two copies had not yet been "deposited in the copyright office or in the mail addressed to the register of copyrights." At that time, therefore, this action or proceeding could not be maintained and the injunction, being issued in an action whose maintenance was prohibited, would be of no binding force.

Complainant refers to sections 34, 35, and 36, which read as follows:

SEC. 34. That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the circuit courts of the United States, the district court of any Territory, the Supreme Court of the District of Columbia, the District Courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands.

SEC. 35. That civil actions, suits, or proceedings arising under this act may be instituted in the district of which the defendant or his agent is an inhabitant or in which he may be found.

SEC. 36. That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this act may be served on the parties against whom such injunction may be granted anywhere in the United States and shall be operative throughout the United States and enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

It does not seem that this last-quoted section in any way qualifies the prohibition of the twelfth section. The court or judge is given express authority to grant an injunction to prevent the violation of a copyright which has been secured by the party aggrieved. This in-

junction may be granted upon a bill of equity; that is, in an equity suit. But such an equity suit is covered by the phrase "action or proceeding for the infringement of copyright," and there is no apparent reason for construing the act so as to exempt such suits from the operation of the prohibition of section 12. No hardship to the owner of copyright results from the construction here followed. At the time the person entitled to copyright publishes his work with the notice required presumably he has copies of it in his possession and could at once deposit in the mail the two copies required addressed as the statute prescribes. That act on his part would seem to be a compliance with section 12 sufficient to entitle him to maintain his action or proceeding. But until he does this the prohibition of that section is imperative.

Without considering the other questions presented, the application is denied.

[From the Federal Reporter, v. 195, 8°. St. Paul, West Publishing Co., 1912, No. 1, June 6, 1912, pp. 110-113.]

Addendum III

COPYRIGHT CONVENTION BETWEEN THE UNITED STATES AND HUNGARY

ARTICLE 1

Authors who are citizens or subjects of one of the two countries or their assigns shall enjoy in the other country, for their literary, artistic, dramatic, musical and photographic works (whether unpublished or published in one of the two countries) the same rights which the respective laws do now or may hereafter grant to natives.

The above provision includes the copyright control of mechanical musical reproductions.

ARTICLE 2

The enjoyment and the exercise of the rights secured by the present convention are subject to the performance of the conditions and formalities prescribed by the laws and regulations of the country where protection is claimed under the present convention; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work.

ARTICLE 3

The term of copyright protection granted by the present convention shall be regulated by the law of the country where protection is claimed.

ARTICLE 4

The present convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

ARTICLE 5

The present convention shall be put in force one month after the exchange of ratifications, and shall remain in force until the termination of a year from the day on which it may have been denounced.

In faith whereof the plenipotentiaries have signed the present convention in two copies, each in English and Hungarian languages, and have affixed thereto their seals.

Done at Budapest, the 30th day of January, 1912.

RICHARD C. KERBNS. [SEAL.]

ESTERHÁZY PÁL. [SEAL.]

TÖRY GUSTAV. [SEAL.]

[Ratification advised by the Senate of the United States on July 23, 1912; ratifications exchanged September 16, 1912; in force, October 16, 1912.]

APPENDIX III

MANUSCRIPTS AND BROADSIDES

I. GIFTS, 1911-12

From B. M. Ambler, Parkersburg, W. Va.:

Letters from Judah P. Benjamin to James M. Mason, 1866-71.
(Typewritten copies.)

From William Beer, Howard Memorial Library, New Orleans, La.:

Miscellaneous vouchers for pay, etc., Confederate Army.

From Miss E. B. Bliss, Washington, D. C.:

Diplomas, degrees and admissions to practice before the New York Supreme Court of Alexander Bliss and William Davis, 1846-52.

From Mrs. Henrietta Irving Bolton, Washington, D. C.:

Dr. H. Carrington Bolton's catalogue of uranium compounds; symbolism in alchemy and chemistry; miscellaneous notes and facsimiles.

From Mrs. Jesse W. Brabant, Grand Rapids, Mich., through F. W. Hodge, Washington, D. C.:

Letters and diaries of Rev. George N. Smith, 1835-79.

From the Bradley Polytechnic Institute, Peoria, Ill.:

Reception program of the visit of the President of the United States to Wilmington, Del., 1873.

From Col. John Bell Brownlow, Knoxville, Tenn.:

Letter from Franklin Pierce, 1860. (Facsimile.)

From Arthur Crisfield, Washington, D. C.:

Early Maryland land grants, 1665-1787.

From F. J. Dimler, Brooklyn, N. Y.:

Letters, reports, etc., relating to the San Blas route of the Mandingo Canal, 1864.

From Charles Fairman, Washington, D. C.:

Stephen S. Hallet's "Observations on the prospect east of the Capitol." (Photostat copy.)

From M. A. Feoli, Worcester, Mass.:

Autograph poem: "Italia Eterna."

From David Fergusson, Berkeley, Cal.:

Manuscripts relating to the Inquisition in Spanish America, 1611-1796.

From Mrs. Kate M. Foote, Washington, D. C.:

Papers of Admiral Andrew Hull Foote, 1822-63.

- From Mrs. Corra Bacon Foster, Washington, D. C.:
 Land grant by the Rio Grande and Texas land company, 1834.
- From Charles P. Greenough, Boston, Mass.:
 Additions to the Webster papers, 1841-52.
- From Thomas Hardy, through Sydney C. Cockerell, Cambridge, England, and L. S. Livingston, of New York:
 Manuscript of the collection of stories entitled "A Group of Noble Dames."
- From Mrs. Susan E. Johnson Hudson, Stratford, Conn., Mrs. William Henry Carmalt, New Haven, and William Samuel Johnson, Mamaroneck, N. Y.:
 Additions to the William Samuel Johnson papers, 1766-91.
- From Miss Alice Kurtz, Pennington, N. J.:
 Letters respecting the earthquake of 1821 in Mexico.
- From Edward S. Lewis, St. Louis, Mo.:
 Photographic prints of George Washington's ancestry charts in the British Museum.
- From Col. James Morris Morgan, Washington, D. C.:
 Letters from Mrs. Jefferson Davis, 1898-1910; photograph of Lt. Charles Peternell's sketch map of Contreras and Churubusco [1847].
- From Dr. and Mrs. Stuyvesant Fish Morris, New York:
 Additions to the Van Buren papers, 1813-62.
- From S. B. Nitterauer, Dubuque, Iowa:
 Postmaster's commission to William Miller, 1853.
- From Miss Victoria L. Nourse, Washington, D. C.:
 Continental and Confederate money.
- From Dr. W. M. Polk, New York:
 Additions to the Polk (of North Carolina) papers, 1822-68.
- From Maj. Gen. C. W. Robinson, C. B., Ealing, England:
 Letter from Israel Putnam, 1783. (Photo-facsimile.)
- From Joseph G. Rosengarten, Philadelphia:
 Photographic prints of 38 documents relating to the hire and service of the Hessian troops in the Revolution.
- From Eugène Saunier, Tunis, Africa:
 Autograph poems: "Boîte à ordures" 5 vols.
- From Mrs. Florence Moulton Schaefer, Charleston, S. C.:
 Autograph poems of Louise Chandler Moulton; papers of Louise Chandler Moulton.
- From Ernest Schernikow, New York:
 Engraved tickets, etc., of the Centennial Exhibition at Philadelphia, 1876.
- From St. George L. Sioussat, Vanderbilt University, Nashville, Tenn.:
 Typewritten extracts from letters of J. H. Moore, James K. Polk, and Archibald Yell, 1836-47.
- From Mrs. Mary Maury Werth and other descendants of Matthew Fontaine Maury:
 Papers of Captain Matthew Fontaine Maury, 1825-1874.

II. GENERAL LIST OF ACCESSIONS, 1911-12

UNITED STATES

Continental Congress:

Extracts from proceedings relative to money and requisitions on states, 1776-87.

Half-dollar note, 1776.

Letter from William Heath to John Hancock, 1777, Sep.
Committee report, 1781.

Centennial Exhibition, 1876, engraved tickets, samples, etc., of Philadelphia bank note company's work.

Navy:

Journal kept on frigate *President* by Silas Duncan, 1812-13. 1 vol.
Journal kept on sloop *Wasp* by David Geisinger, 1814, May-Sep.
1 vol.

Miscellaneous documents relative to supplies, 1817-25.

Marine insurance policy of Isaac and Samuel Wharton, 1784.

Log-book of a voyage from Boston to the northwest coast of America in the ship *Columbia*, 1790-92.

Revolution:

Photographs of various documents relating to the service of the Hessian troops, including the contracts and agreements of 1775-6 between George III, the Duke of Brunswick, and Landgrave of Hesse-Cassel.

Confederate States of America:

Message of President Davis to Congress, 1863, Dec.

Miscellaneous vouchers for pay, etc., Confederate Army.

Currency notes, 1861-4.

Bonds, 1863-4.

INDIVIDUAL STATES

Delaware:

Currency issue of May, 1777.

Maryland:

Land grants to Henry Ellery, Thomas Williams, jr., and Isaiah Tilghman, 1665-1787. (3 parchments.)

Massachusetts:

List of real and personal property of proprietors and inhabitants of Biddeford, 1749.

Rhode Island:

General Assembly proceedings, 1699-1747. Contemporary attested copies.

Virginia:

Lists of land taxables, 1788-98. (25 pieces.)

Texas:

Land grant by the Rio Grande and Texas land company, 1834.

MISCELLANEOUS

Account books:

Dixon, Edward. Ledgers and account books of his store at Port Royal, Virginia, 1743-96. 40 volumes.

America, British Colonies in:

Great Britain, Board of Trade's letter to the King, 1766.

Transcripts from Spanish, French, and British archives respecting the Nootka Sound controversy.

Central America:

Fuentes y Guzman, Francisco Antonio de. *Historia de Guatemala*, 2d part, 1689, 1 vol.

Cakchiquel-Spanish dictionary, 17th century. 1 vol.

Barrera, Jose de la. *Libro de lengua Tzotzil*, 1782. 1 vol.

France:

Auch province. Minutes of Provincial Assembly, 1782.

Memoirs on trade with America, 1783.

Great Britain:

Treatise on Anglo-Norman usages, ca. 1425. On vellum, 1 vol.

Miscellaneous papers of the Earl of Wilmington relating to America and the West Indies, 1675-1765 (being a portion of the Townshend papers, 96 pieces).

Illuminated manuscripts:

Julius Caesar. Early French translation of the Commentaries, on paper, 15th century. 1 vol.

Firdausi. 17th century copy of the Shah-Namah, on paper. 1 vol.

Plutarch. 15th century copy of selections from lives of Cicero and Caesar, on vellum, 1 vol.

Suetonius. Codex. *Caesar vitae XII*, on paper, 1 vol.

Terence. Codex. On vellum, 1 vol.

Journals and diaries:

Mulford, Daniel. 1801-7. Typewritten copy.

Mexico:

Various manuscripts relating to the activities of the Spanish Inquisition (mainly in Mexico), 1611-1796 (20 pieces).

Casaus y Torres, Ramón Francisco. Letters to, regarding the earthquake of 1821. (6 pieces.)

Orderly books:

Hobart, Samuel. Goffe's New Hampshire regiment, 1760, May-Dec. 1 vol.

Poetry:

Anonymous. "The Day of His preparation."

Feoli, M. A. "Italia Eterna," 1912.

Saunier, Eugène. "Boite à ordures." 5 vols.

Portugal:

Antas, Miguel Martins d'. Despatches to the Portuguese government, 1867-9. 1 vol.

Religion:

Shakers. Journal and miscellaneous correspondence, hymn books, etc., 1815-1839.

Bible. (In minuscule, illuminated), 1 vol.

Comestor, Pierre. *Historia Scholastica*, on vellum, illuminated, 1 vol.

Religion:

- Horae Beatae Mariae Virginis. *ca.* 1450, on vellum, 1 vol.
Missale Romanum (Flemish), on vellum, illuminated, 1 vol.

South America:

- Columbia: Miscellaneous letters and reports relating to the San Blas route of the Mandingo Canal, 1864. (16 pieces.)

PERSONAL

Alden Family papers, 1753-1831.

Benjamin, Judah P. Letters to James M. Mason, 1866-71 (3 pieces, typewritten copies).

Bliss, Alexander, and William Davis. Diplomas, degrees, and admissions to practice before the New York Supreme Court, 1846-52 (8 parchments).

Bolton, H. Carrington. Catalogue of Uranium compounds; Symbolism in alchemy and chemistry.

Calhoun, John C. Last speech in the United States Senate, 1850, March 5.

Crawford, Capt. Jack. Letter to the editor of the Buffalo Express, 1901.

Davis, Mrs. Jefferson. Four letters and a statement. 1898-1901.

Du Simitière, Pierre Eugène. Common Place Book, 1770.

Foote, Andrew Hull. Papers of. 1822-63. (17 vols. and loose papers.)

Hallet, Stephen S. "Observations on the prospect east of the Capitol" (photostat copy).

Hammond, James H. Papers of. 1820-64.

Hardy, Thomas. Manuscript of "A group of noble dames."

Harrison, William Henry. Letters to Brig. Gen. Green Clay, 1813, Apr-July (3 pieces).

Hillegas, Michael. Letter to Nathaniel Appleton, 1782, June.

Holmes, George Frederick. Papers of. 1824-93.

Houston, Samuel. Letter to Gen. James Hamilton, 1851, Mar. 8.

Jefferson, Thomas. Letters, 1798-1822 (131 pieces).

Johnson, William Samuel. Papers of. 1766-91.

Madison, James. Notes of proceedings in the Continental Congress, 1781, May-Sept. Memorandum made in the Constitutional Convention, 1787, Sept. 7.

Maury, Matthew Fontaine. Papers of, 1825-1874.

Meade, William. Letters from Bishops Moore and Cobb, 1822-59; Meade's action in restoration of Bishop Onderdonk (13 pieces).

Miller, William. Commission as postmaster, 1853.

Moore, J. H. Extract of letter to William Moore, 1847, Apr. (Type-written copy.)

Moulton, Louise Chandler. Autograph poems of (32 pieces); papers of Louise Chandler Moulton.

Mulford, Daniel. Diary, letters and papers, 1801-12. (Typewritten copies.)

- Peternell, Charles. Photograph of sketch of Contreras and Churubusco [1847].
- Pierce, Franklin. Facsimile of letter to Jefferson Davis, 1860.
- Polk, James K. Extract of letter to Lawson Moore, 1847, Apr. (Type-written copy.)
- Polk (of North Carolina), papers. Letters from John Adams, Leonidas Polk, and others, 1822-68 (6 pieces).
- Priestley, Joseph. Miscellaneous notes and facsimiles of two letters to Benjamin Franklin, 1782-3.
- Putnam, Israel. Photo-facsimile of letter from Israel Putnam to Col. Beverley Robinson, 1783.
- Raguett, Charles P. and Paul. Business letters to, 1781-4 (13 pieces).
- Ridley, Matthew, and Ridley & Pringle. Letters to Thomas Barclay, 1782-5 (13 pieces).
- Smith, George N. Letters and diaries, 1835-1879.
- Spotswood, Alexander. Letter to the Virginia Convention, 1775, Dec.
- Stephen, Adam. Papers of. 1749-50-1840 (130 pieces).
- Thomson, John Lewis. Notes of events, 1814, Jan.-June.
- Van Buren, Martin. Miscellaneous papers of. 1813-62. (150 pieces.)
- Van Ness, William W. Letter to Abraham Van Vechten, 1809, Apr.
- Varick, Richard. Letter to K. K. Van Rensselaer, 1811, Feb.; letter to Abraham Van Vechten, 1813, Mar.
- Washington, George. Photographs of the Washington ancestry charts from the originals in the British Museum. (7 pieces.)
- Webster, Daniel. Letters from Charles P. Curtis, and Giuseppe Fagnani, 1841-52 (3 pieces).
- Welles, Gideon. Official letter books, 1862-9 (9 volumes); facsimile of letter to Capt. C. W. Patterson, 1869.
- Yell, Archibald. Extracts of letters to William Moore, 1836-47 (type-written copies).
- Yturbide papers. Public and private papers of the Emperor Agustin I, 1799-1876.

BROADSIDES

United States:

Acts of the First Congress, second session, 1790; act to incorporate Columbian College in the District of Columbia, 1821.

Epitaph of the government [1861?].

The real Chicago platform (Democratic convention) [1864].

Confederate States of America:

General order to the Army of Western Virginia, Sept. 24, 1862.

Address to the people, Sept. 14, 1862.

Great Britain:

A true state of the Bishop of London's jurisdiction in the plantations [1728?].

Delaware:

Reception program of the visit of the President of the United States to Wilmington, 1873.

Lincoln:

Memorial poster, 1865, Apr.

Maryland:

Mrs. Mary Barney's letter to President Jackson, 1830.

Massachusetts:

Provincial Congress resolve, 1775, Feb. 14; House of Representatives, resolve, 1779.

New York:

Political broadsides of the Revolution, 1774-5 (2 pieces).

The Craven, a parody on The Raven [McClellan at Malvern Hill, 1862].

Ohio:

Washington County memorial to Congress, 1817, Jan.

Trumbull County memorial to the Northwest Territory legislature, 1801, Dec.

Advertisements [in blank] of anti-slavery meetings (4 pieces).

Pennsylvania:

Humphrey's imprint of Richard Saunders' Way to Wealth [1785].

Political broadsides, 1828.

Virginia:

Election ticket for President and Vice President of the Confederacy.

Washington, D. C.:

Hon. Robert D. Owen's letter on Mexico, 1866.

Webster, Daniel:

Broadsides concerning (3 pieces).

Miscellaneous:

Admonitions, epistles of yearly meetings, remonstrances, etc., of the Society of Friends, 1791-1863 (5 pieces).

III. LIST OF TRANSCRIPTS FROM MANUSCRIPTS
IN THE BRITISH MUSEUM AND PUBLIC RECORD
OFFICE

BRITISH MUSEUM.

Selections from the following volumes:

Additional Manuscripts—

10119 Revenue Collections; Vol. I, 1618-1700.

[Selection is Abstract of Accounts, 1685-1688.]

11409 Differences between English and French at St. Christopher's, 1666-1674.

23651 Rainsford papers. Papers relating to the Hanau and Anspach Troops, 1776-1778.

26052 Report [by Dr. Marriott] on a Code of Law for the Province of Quebec, 1772.

Newcastle papers: Official correspondence of Thomas Pelham Holles, Duke of Newcastle. (Diplomatic.)

32750 Vol. LXV. April-June, 1727.

32751 Vol. LXVI. July-14 Sept., 1727.

34079 Original letters, 1513-1839.

[Selections: letter from Jamaica, 1723; and one from Halifax, 1768.]

34348 Letters to J. Vernon, Secretary of State, 1701.

BRITISH MUSEUM.

Selections from the following volumes:

Additional Manuscripts—

- 34428 Auckland papers, Vol. XVII.

[Selection: enclosure in letter of Wm. Ryder,
1788, relating to losses sustained by British set-
tlers in Honduras from the Spaniards, 1779.]

- 34729 West papers, Vol. III.

[Selection relates to English title to St. Lucia,
1700.]

- 34756 Bishop of Dromore; letters, &c.

[Selection refers to naval expeditions to Califor-
nia, missions, and explorations.]

- 34990 Nelson papers, Vol. LXXXIX. Miscellaneous
-
- papers, 1797-1806.

[Selection: Address of the Virgin Islands to
Prince William Henry, Duke of Clarence.]

- 35251 Original letters, etc.

[Selection: Tho. Modiford's protestation of loy-
alty to the Protector's government, Barba-
does, 1655.]

Hardwicke papers.

- 35406 Vol. LVIII. Political correspondence of the 1st
-
- Lord Hardwicke and the Duke of Newcastle,
-
- 1723-1740.

[Selection: Draft of instructions to Charles, Lord
Catheart, leader of expedition against Spanish
America, 1740.]

- 35444 Vol. XCVI. Diplomatic Letter-book of Sir J.
-
- Yorke, 1756-1772.

[Selection: Papers on the Dutch trade, Esse-
quibo and Demerara, 1772.]

- 35504 Vol. CLVI. Correspondence of R. M. Keith, Oct.,
-
- 1772-Jan., 1773.

[Selection: Letter from Sir Basil Keith, London,
Oct. 23, 1772, to his brother, Sir R. M. Keith.]

- 35509 Vol. CLXI. Correspondence of R. M. Keith,
-
- March-Dec., 1775.

- 35591 Vol. CCXLIII. General correspondence of the 1st
-
- Lord Hardwicke, 1750-1752.

- 35597 Vol. CCLIX. General correspondence of the 1st
-
- Lord Hardwicke, 1762-1764.

[Selection: Intelligence from the Havannah,
1762.]

- 35639 Vol. CCXCI. General correspondence of the Hon.
-
- Charles Yorke, VII, 1766-1770, and undated.

[Selection: Memorial of Edward Dismore, Deputy
Post Master General of Jamaica, to Thomas,
Earl of Leicester, Post Master General,
1758-9.]

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Selections from the following volumes:

Additional Manuscripts—

- 35914 Vol. DLXVI. Papers relating to Canada and Newfoundland, 1765.
35915 Vol. DLXVII. Papers relating to Canada and Newfoundland, 1766–1768.
35916 Vol. DLXVIII. Papers relating to West Indies, 1734–1803.
[The transcript is not taken further than 1796.]
36217 Vol. DCCCLXIX. Privy Council cases, 1752–1758.
36220 Vol. DCCCLXXII. Privy Council cases, 1766–1769.
36225 Vol. DCCCLXXVII. C. Yorke's legal opinions, 1762–1769.
[Selection: Court martial in Martinique; case of Daniel McDonald.]

Stowe Manuscripts:

- 465 Richards Collections, Vol. XIX. Weather-notes, etc., of M. Richards, 1701–1702. [Log book at St. Johns.]

Sloane Manuscripts:

- 2496 Maritime tracts and voyages.
[Selection: Part of ship's log of voyage to West Indies, 1699–1702.]
4025 Papers relating to the Royal Society and College of Physicians, Vol. I.
[Selection: Description of deer, with diagram showing horns.]

PUBLIC RECORD OFFICE:

Colonial Office, Class 5. [New series, made up chiefly from the old "America and West Indies" and "Home Office" papers.]

- Vol. 14. Governors in America, 1753–1754. [A W I 67]
Vol. 15. From Governors in America, 1755. [A W I 68]
Vol. 16. From Governors in America, 1755. [A W I 69]
Vol. 17. From Governors in America, 1756. [A W I 70]
Vol. 40. Intercepted letters, 1775–1782. [Part of A W I 449, with other papers added.]
Vol. 82. Plantations General, 1780–1783. [A W I 285]
Vol. 114. Memorials, Vol. I. [1768–1771] [A W I 293]
Vol. 117. Memorials. [1778–1781] [A W I 296]
Vol. 120. Domestick / Army / Ordnance / Admiralty / 1774. [Old State Papers, Domestic, Geo. III. 14]
Vol. 121. Admiralty, 1775. [old Home Office, Admiralty, 166]
Vol. 122. Admiralty, 1775. [old Home Office, Admiralty, 167]
Vol. 123. Admiralty, 1776. [old Home Office, Admiralty, 169]
Vol. 124. Admiralty, 1776. [old Home Office, Admiralty, 170]
Vol. 125. Admiralty, 1776. [old Home Office, Admiralty, 171]

PUBLIC RECORD OFFICE:

Colonial Office, Class 5.

- Vol. 126. Admiralty, 1777. [old Home Office, Admiralty, 174]
- Vol. 127. Admiralty, 1777. [old Home Office, Admiralty, 175]
- Vol. 128. Admiralty, 1778. [old Home Office, Admiralty, 178]
- Vol. 129. Admiralty, 1778. [old Home Office, Admiralty, 179]
- Vol. 130. Admiralty, 1779. [old Home Office, Admiralty, 180]
- Vol. 131. Admiralty, 1779-80. [old Home Office, Admiralty, 187]
- Vol. 132. Admiralty, 1781. [old Home Office, Admiralty, 192]
- Vol. 133. Various papers, 1771-1774. [State Papers, Domestic, Geo. III. 9, 13 and 15.]
- Vol. 134. Various papers, 1771-1777. [State Papers, Dom., Geo. III, and Home Office, Post Office, 6]
- Vol. 135. Post Office, 1775-6. [Home Office, Post Office, 7]
- Vol. 145. Various papers, 1771-1774. [State Papers, Dom., Geo. III, 9, 13 and 15]
- Vol. 146. Treasury and Custom House, 1775. [Home Office, Treasury and Customs, 5]
- Vol. 148. Treasury and Custom House, 1776. [Home Office, Treasury and Customs, 7]
- Vol. 149. Treasury and Custom House, 1777. [Home Office, Treasury and Customs, 10]
- Vol. 154. Promiscuous and Private Letters, 1771-1776. [State Papers, Dom., Geo. III, 10]
- Vol. 159. Letters to, and reports from, the Law Officers of the Crown—Thurlow and Wedderburn—1772-1775. [State Papers, Dom., Geo. III, 9, 13 and 15; and Home Office, Sec. of State, 1]
- Vol. 160. Law Reports, 1774-1781. [Home Office, F. 19]
- Vol. 173. Ordnance and War Office, 1781. [Home Office, War Office, 38]
- Vol. 175. Correspondence with Provincial Officers (civil) 1774-1783. [A W I 297]
- Vol. 211. To Governors and Commanders in No. America, &c., 1753-1755. [A W I 74]
- Vol. 212. To Governors and Commanders in No. America, &c., 1756-1757. [A W I 75]
- Vol. 213. To Governors and Commanders in No. America, &c., 1758. [A W I 76]
- Vol. 214. To Governors and Commanders in No. America, &c., 1759-1763. [A W I 77]
- Vol. 215. To Governors and Commanders in the West Indies, 1757-1763. [A W I 78]
- Vol. 232. Précis. 1768-1775. [A W I 289]
- Vol. 253. Précis [2]. 1774-1778. [A W I 290]
- Vol. 284. Memoir—Indians of North America; by S. Bannister. [Miscell. Series II, 221.]

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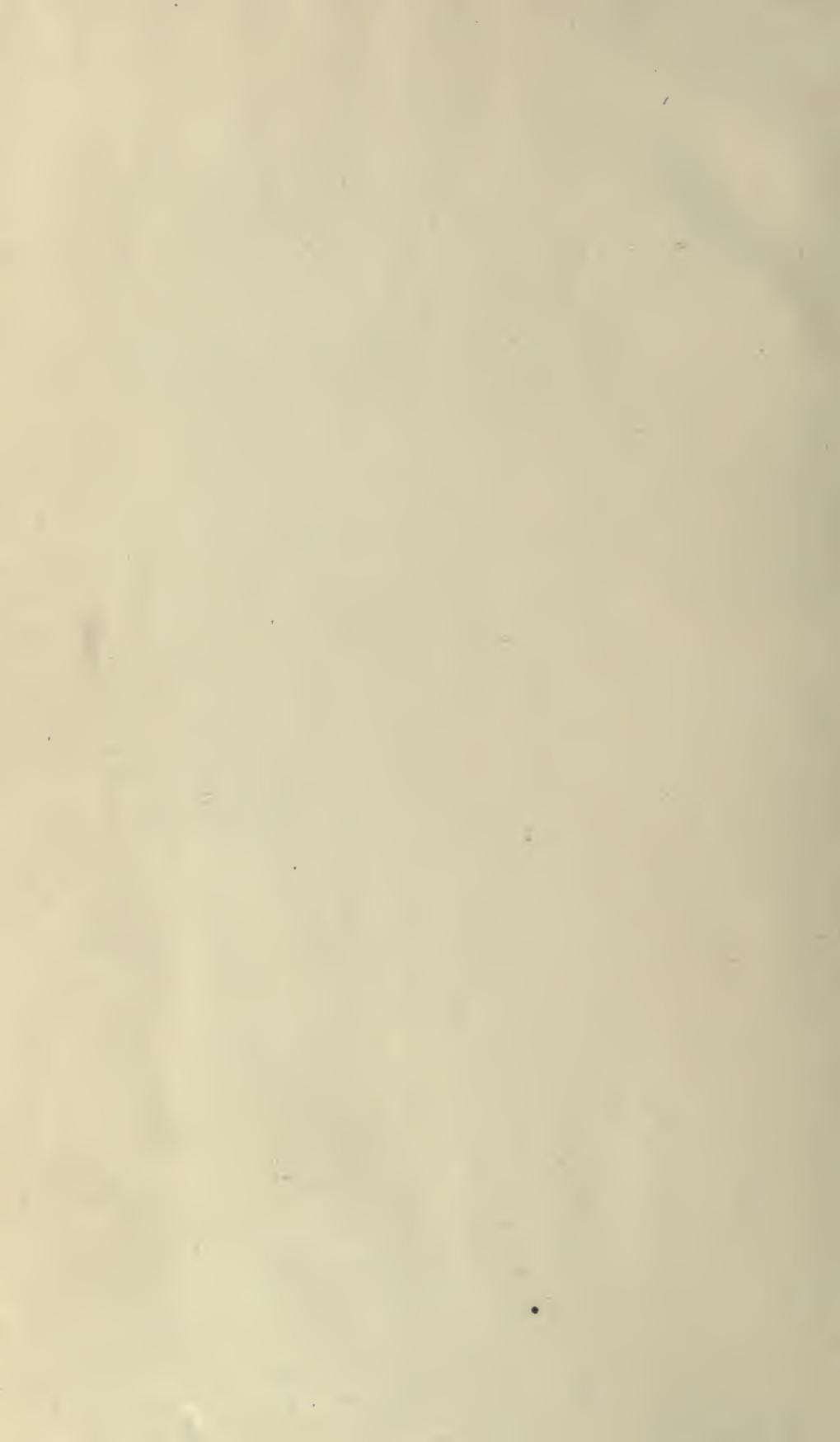
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